



Page 2				Page 4			
1 VIRTUAL APPEARANCES OF COUNSEL				1 PROCEEDINGS			
2 REPRESENTING THE PLAINTIFF:				2 * * * * *			
3 REPRESENTING THE PLAINTIFF:				3 VIDEOPHOTOGRAPHER: This is the beginning of			
4 RUDOLF WIDENHOUSE				4 Media Unit Number 1 in the deposition of			
5 BY: SONYA PFEIFFER, ESQUIRE				5 Kyle Beam in the matter of Ray Kifer versus			
6 AND: J.P. LATTIMORE, ESQUIRE				6 David Scott Burroughs, et al., Case Number			
7 225 East Worthington Avenue, Suite 100				7 3:21-CV-039-DCK.			
8 Charlotte, NC 28203				8 Today's date is Wednesday, May 11th,			
9 Office: 704.333.9945				9 2022, and the time on the monitor is			
10 Email: Spfeiffer@rudolfwidenhouse.com				10 12:32 p.m.			
11 Jplattimore@rudolfwidenhouse.com				11 My name is Amanda Smith, and I am the			
12 REPRESENTING THE DEFENDANTS & DEONENT VANCE				12 vid- -- videographer. The court reporter is			
13 BENNETT:				13 Madonna Farrell. We are here with Huseby			
14 WOMBLE BOND DICKINSON				14 Global Litigation.			
15 BY: SEAN PERRIN, ESQUIRE				15 Counsel, please introduce yourselves,			
16 One Wells Fargo Center, Suite 3500				16 after which the court reporter will make a			
17 301 South College Street				17 statement.			
18 Charlotte, NC 28202-6037				18 MS. PFEIFFER: Good afternoon.			
19 Office: 704.331.4900				19 I'm Sonya Pfeiffer, and along with J.P.			
20 Email: Sean.perrin@wbd-us.com				20 21 Lattimore, I represent the plaintiff, Ray			
21 REPRESENTING THE DEFENDANT DAVID SCOTT BURROUGHS:				22 Kifer, Jr., and we're also joined by our			
22 HALL BOOTH SMITH P.C.				23 paralegal, Suzette Woolsey.			
23 BY: CHRISTIAN FERLAN, ESQUIRE				24 MR. PERRIN: This is Sean Perrin on			
24 11215 North Community House Road, Suite 750				25 behalf of Kyle Beam.			
25 Charlotte, NC 28277				MR. FERLAN: Christian Ferlan on behalf			
26 Office: 980.949.7822							
27 Email: Cferlan@hallboothsmith.com							
28 ALSO PRESENT: SUZETTE WOOLSEY, PARALEGAL							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38 INDEX							
39 Examination By				Page 5			
40 By Ms. Pfeiffer				1 of David Scott Burroughs.			
41 Certificate of Reporter				2 COURT REPORTER: And I will read in			
42				3 this statement.			
43				4 Will all parties acknowledge that in			
44				5 lieu of an oath administered remotely, the			
45				6 witness will verbally declare his or her			
46				7 testimony in this matter is true under			
47				8 penalty of perjury and all parties and their			
48				9 counter consent -- and all parties and their			
49				10 counsel consent to this arrangement, waive			
50				11 any objections to this manner of reporting,			
51				12 and the witness has veri- -- verified that			
52				13 he is, in fact, Kyle Beam. Please indicate			
53				14 your agreement to this stipulation by			
54				15 stating your name and your agreement on the			
55				16 record.			
56				17 MS. PFEIFFER: Sonya Pfeiffer, on			
57				18 behalf of all plaintiff's attorneys, we			
58				19 agree.			
59				20 MR. PERRIN: Sean Perrin, on behalf of			
60				21 Kyle Beam, we agree.			
61				22 MR. FERLAN: Christian Ferlan, on			
62				23 behalf of Defendant Burroughs, I agree.			
63				24 VIDEOGRAPHER: Okay. We may proceed.			
64				25 MS. PFEIFFER: Okay. Great.			

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1	KYLE BEAM, being first duly sworn,	1	A. No.
2	testified as follows:	2	Q. Okay. And where are you right now? Where
3	EXAMINATION	3	are you located?
4	BY MS. PFEIFFER:	4	A. We are at the Anson County Sheriff's Office
5	Q. Good afternoon, Sergeant Beam. How are you?	5	courthouse.
6	A. I'm good. How are you?	6	Q. Okay. How did you prepare for today's
7	Q. I'm good, thanks. I'm Sonya Pfeiffer, as	7	deposition?
8	you heard. I represent Ray Kifer, Jr.	8	A. Just met with my attorney this morning.
9	Have you ever had your deposition taken	9	Q. Did you review any documents?
10	before today, sir?	10	A. Just the -- the little questionnaire that we
11	A. No.	11	sent in, whatever --
12	Q. I just want to go over some ground rules	12	MR. PERRIN: And so --
13	mostly for the sake of the court reporter. You and	13	THE DEPONENT: I can't remember what it
14	I are being recorded, everything we say, by the	14	was called.
15	court reporter, she's writing it down. So the	15	MR. PERRIN: -- just -- just -- I know
16	first thing I'm going to try to do is not talk over	16	I'm not supposed to answer, but it was
17	you when you're answering, and I'll ask that you	17	interrogatory responses.
18	try to let me finish my question before you	18	MS. PFEIFFER: Yeah.
19	respond, okay?	19	THE DEPONENT: That's the word I was
20	A. Okay.	20	looking for.
21	Q. Next important rule is to verbalize your	21	MS. PFEIFFER: Okay. I understand.
22	answers. So instead of saying "uh-huh" or	22	MR. PERRIN: I like questionnaire
23	"uh-unh" or shaking your head, make sure it's a	23	better, actually. That -- that should be --
24	"yes" or a "no" so that she can take that down	24	MS. PFEIFFER: Yeah.
25	because she can't really record what your -- what	25	MR. PERRIN: That's a little clearer.
Page 7		Page 9	
1	your response is if you're just nodding your head,	1	MS. PFEIFFER: Yeah, questionnaire.
2	all right?	2	Yeah, definitely. I understand.
3	A. Okay.	3	BY MS. PFEIFFER:
4	Q. And are you taking any kind of medication or	4	Q. So, in other words, the responses that you
5	have any condition that would impact your ability	5	gave based on what we had asked your -- your --
6	to hear and understand what I'm asking?	6	through your attorney, right, the
7	A. No.	7	interrogatories --
8	Q. Okay. If -- there might be a question I	8	A. Yes.
9	ask, it's just a bad question, it doesn't make	9	Q. -- or requests for production?
10	sense, I stumble over my words, if that happens,	10	Okay. Got you.
11	please just ask me to rephrase the question, okay?	11	A. Yes.
12	A. Okay.	12	Q. Have you talked to anybody other than
13	Q. If you don't ask me to rephrase the question	13	Mr. Perrin about today's deposition?
14	and you respond, I'm going to assume that you	14	A. Not other -- other than just my family to
15	understood the question and that your answer is	15	let them know I was doing it.
16	responsive to that, fair?	16	Q. Okay. Any details about the deposition with
17	A. Fair enough.	17	your family?
18	Q. All right. And then if you want to take a	18	A. No.
19	break, you're in control of the deposition. I just	19	Q. And does your wife work for the sheriff's
20	ask if I'm in the middle of a question or you're in	20	department? Is she a dispatcher?
21	the middle of an answer, we go ahead and finish	21	A. She was. She hasn't worked in several
22	that before you take a break, okay?	22	years.
23	A. Okay.	23	Q. Okay. Did you read any transcripts of
24	Q. All right. Is there anyone else in the room	24	anyone's deposition already taken?
25	with you other than Mr. Perrin today?	25	A. I didn't, but my attorney read some to me.

Page 10	Page 12
1                   MR. PERRIN: Oh --	1                   A. No.
2   BY MS. PFEIFFER:	2                   Q. Okay. Do you remember some of the specific
3                   Q. You don't need to -- you don't need to go	3   things that you talked about, some of the specific
4   into the details about what you and your attorney	4   events or -- you know, you used the word "memory."
5   talked about.	5   Any memories, anything that stands out to you as
6                   A. Oh, okay.	6   important in those discussions?
7                   Q. That -- yeah.	7                   A. Nothing that stands out. Just I would -- I
8                   And so anything you guys talked about or --	8   couldn't -- I -- the one thing I couldn't remember
9   or he, you know, specific worked with you about,	9   is at what point I called my brother on that day
10   that would be privileged. So...	10   and when I sent him the picture. I couldn't
11   A. Okay.	11   remember if he asked for it or if it was just
12   Q. Did you speak with any of the other	12   something I sent because I know there was a picture
13   defendants about their testimony in this case?	13   that I sent him.
14   A. No.	14   Q. What picture did you send him?
15   Q. Did you talk with them at all about the case	15   A. It was a picture of the stuff -- of the
16   before your deposition today?	16   narcotics that were located that day.
17   A. Here and there over the last few months,	17   Q. And when did you talk with him about not
18   yeah.	18   being able to remember that?
19   Q. Okay. And what have you talked about here	19   A. I can't remember the exact day. It's
20   and there over the past few months?	20   been -- it's been a few weeks back.
21   A. Just -- we would just have little	21   Q. Was he able to help you remember the
22   conversations about how things went that day, just	22   sequence --
23   to kind of -- I would say just refreshing our	23   A. He --
24   memories and -- and stuff like that. It wasn't any	24   Q. -- of events?
25   detail, anything about questions that were asked or	25   A. He couldn't remember if he asked for it or
Page 11	
1   anything like that.	1   if I just sent it, either, that I -- that I recall.
2   Q. And who were the people that you spoke with	2   Q. Okay. Back in 2018, were you interviewed by
3   specifically?	3   Agent Blackman with the SBI?
4   A. My brother, Josh Beam. Who else did I talk	4   A. No.
5   to? Jimmy Williams. That's basically the main	5   Q. Okay. Were you interviewed by anybody in
6   two.	6   Internal Affairs?
7   Q. And what about David Spencer?	7   A. No.
8   A. I haven't talked to him about this case, no.	8   Q. Okay. On the 7th of March, obviously that's
9   Q. Okay. But when you talked with your brother	9   the date we'll be talking a lot about, do you
10   Josh and with Jimmy Williams, you said sort of	10   remember whether you had a call with Lieutenant
11   refreshing your memory?	11   Tice?
12   A. Yeah, just helping remember a few things.	12   A. No, I don't recall.
13   Q. Okay. So, in other words, you would talk	13   Q. Okay. How about Lieutenant Little?
14   with them and see what their memory was, and then	14   A. No.
15   they would talk with you and see what your memory	15   Q. And as far as you remember, was there anyone
16   was?	16   who spoke to you and created a report of that
17   A. Yeah, basically. I would try to remember	17   conversation based on your actions that day?
18   things and then ask them if they -- if that	18   A. No.
19   sounded -- sounded right, and they would, you	19   Q. So you don't recall any kind of follow-up
20   know...	20   with you after the --
21   Q. So kind of like comparing memories?	21                   (Indiscernible crosstalk.)
22   A. Yeah.	22                   THE DEPONENT: Not with me, no.
23   Q. Okay. And was there anything that you had	23   BY MS. PFEIFFER:
24   shared with them that they had a -- a different	24   Q. Okay.
25   memory than you?	25   A. I'm sorry. I didn't mean to talk over you.

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1 Q. That's okay. But good catch. See, very 2 good. You listened at the front. 3 Let's just talk a little bit about some of 4 your education and training. I want to understand 5 a little bit about your background. 6 Where did you go to high school? 7 A. Anson High School. 8 Q. Okay. Any secondary education? 9 A. I tried to go to college, but I don't think 10 I finished the whole semester. 11 Q. And where did you go for a semester? 12 A. I went to Wingate University, but failed 13 out. And then I tried Richmond Community College 14 for a little bit and just quit. 15 Q. Where is Richmond Community College? 16 A. In Rockingham, North Carolina. 17 Q. Oh, got you. Okay. 18 And you just quit that, you said? 19 A. Yeah. 20 Q. Okay. How long were you enrolled at 21 Richmond? 22 A. Half a year. I don't know the months. 23 Q. Do you remember why it was, just decided to 24 drop out? 25 A. At the time, I was just done with school.	1 A. -- South Carolina before that. 2 Q. Warehouse work? 3 A. Yeah. 4 Q. Gotcha. Okay. What made you want to get 5 into law enforcement? 6 A. A whim. 7 Q. Okay. Well, looks like the whim lasted 8 awhile, right? 9 A. Yeah, it worked out. 10 Q. What -- when you say "a whim," I mean, was 11 there something about it that interested you, or... 12 A. I'd always been interested in it, but I 13 never thought it's what I wanted to do. And then I 14 just -- I was really between careers. I was 15 working down there, but I knew that it wasn't going 16 to be long-term. And I just got to talking about 17 the different options of what I could do and 18 being -- a couple weeks after I think me and my 19 brother and my momma had talked about what I was 20 going to do in my life, Wadesboro had an opening, 21 so I applied and they hired me. 22 Q. Okay. 23 A. Sent me to school. 24 Q. So you stayed there 2001 to 2015. And then 25 did you go to Anson directly from there or was
Page 15	Page 17
1 School wasn't my favorite thing. 2 Q. I don't think you're alone, it's all right. 3 When did you start working at Anson County 4 Sheriff's Department? 5 A. The sheriff's office, in 2016. 6 Q. Okay. Did you work in law enforcement 7 before then? 8 A. Yes. 9 Q. Okay. Just sort of walk me through your law 10 enforcement employment history, then, if you would. 11 A. I worked at Wadesboro Police Department from 12 2001 until 2015. 13 Q. Oh, okay. So you were there a long time? 14 A. Yeah. 15 Q. Was that your first job out of -- after -- 16 so what year did you graduate high school? 17 A. '98, 1998. 18 Q. Okay. So was Wadesboro P.D., was that your 19 first job? 20 A. In law enforcement, yes. 21 Q. Gotcha. What did you do before that? 22 A. I was a -- I don't even know what the job 23 title was. I basically stacked boxes and stuff for 24 Walmart Distribution in Pageland -- 25 Q. Okay.	1 there someplace in between? 2 A. No, I went straight here. 3 Q. Okay. And when you started at Anson, in 4 what role did you begin? Was it as a -- as a 5 deputy? 6 A. Yeah, just a regular road deputy. 7 Q. And now you're a sergeant. Talk me through 8 the levels of promotion from deputy sergeant, or is 9 that the next jump? 10 A. When I came over to the sheriff's office, 11 that was the next jump. The previous 12 administration had had corporals, but Sheriff Reid 13 doesn't do corporals. It's patrol, then sergeant, 14 then you can move into detective or lieutenant or 15 just whatever's next. 16 Q. Okay. So when you came in Landrie Reid was 17 already the sheriff? 18 A. Yes. 19 Q. Okay. And he already instituted let's do 20 away with this corporal, you go from deputy to 21 sergeant? 22 A. Yes. 23 Q. Okay. How long did it take you to become a 24 sergeant? 25 A. I think at the end of my first year, is when

Page 18	Page 20
1 I got promoted, but I had had supervisor experience 2 at Wadesboro. I was a sergeant there when I left. 3 Q. Okay. What did you have to do to get the 4 promotion to sergeant at Anson County? 5 A. There's really not a structured promotion -- 6 something happened with my screen. Can y'all hear 7 me? 8 Q. I can hear and see you, yeah. Can you hear 9 and see us? 10 A. Yeah. Something on my computer. 11 MR. PERRIN: It just shrunk. I don't 12 know, but we can see you. 13 THE DEPONENT: I don't know. 14 MS. PFEIFFER: Sean will be technical 15 support for you there. 16 MR. PERRIN: That -- that's -- I'm not 17 a good technical support. 18 MS. PFEIFFER: Can you see and hear us 19 okay? 20 THE DEPONENT: Yeah, I gotcha now. 21 There's a little bit of a delay, but -- 22 MS. PFEIFFER: Okay. 23 THE DEPONENT: -- I just wanted to make 24 sure everybody was still on. 25 MS. PFEIFFER: Yep. No. Thanks for	1 A. No. 2 Q. Okay. 3 A. Not before I started. 4 Q. And just to -- to make sure everyone knows 5 what we're talking about and for the sake of the 6 court -- court reporter, when we say "BLET," we're 7 talking about Basic Law Enforcement Training, 8 right? 9 A. Yes. 10 Q. Okay. And -- and those are those -- those 11 big black binders. They've got like the State of 12 North Carolina in gold on the front, right? We're 13 talking about the same thing, right? 14 A. Yes. 15 Q. Okay. 16 A. Yeah. 17 Q. Do you have your own set of those binders? 18 A. They're somewhere. I don't -- that was 21 19 years ago. I don't know -- 20 Q. Do you -- 21 A. -- where they would be. 22 Q. Do you still get the updates to them, or did 23 those kind of get shelved after you finished BLET? 24 A. They just kind of got shelved after I got 25 finished.
Page 19	Page 21
1 that. 2 BY MS. PFEIFFER: 3 Q. Okay. So I was asking about your -- what 4 you had to do to -- to -- to go from deputy to 5 sergeant. 6 A. Being a smaller agency, we really don't have 7 a structured promotion plan. It's pretty much who 8 the sheriff and his administration assigns to the 9 position. 10 Q. Do you remember why it was that Sheriff Reid 11 advanced you to sergeant, what his reasoning was at 12 that time? 13 A. He -- because at the time he told me I had 14 the most experience, supervisory experience. It 15 was a pretty young department career-wise, 16 experience-wise. 17 Q. Got it. 18 And you said when you went over to 19 Wadesboro, they sent you to school. Let's talk 20 about your training to be a law enforcement 21 officer. 22 Did you take the BLET? 23 A. Yes. 24 Q. Okay. Any other training in addition to 25 BLET before you started at Wadesboro?	1 Q. Okay. But fair to say that -- that BLET, 2 the Basic Law Enforcement Training, those manuals, 3 what those contain is -- they're like -- they're 4 the basics. They're sort of the minimum a person 5 needs to know and understand in order to be a law 6 enforcement officer, right? 7 A. Correct. 8 Q. And then if you wanted, you could take 9 further advanced training in-service, that type of 10 thing? 11 A. Yes. 12 Q. Okay. So I -- I want to understand a little 13 bit about your role in 2018, in March of 2018, 14 and -- and your responsibilities. 15 So by that time, you were a sergeant, right? 16 A. Yes. 17 Q. And I understand you were a part of what 18 some people have referred to as A squad. 19 Did you call it A squad? 20 A. I really don't know what the squad numbers 21 are. I don't go by that. 22 Q. How -- what -- what do you refer to the 23 units as? 24 A. Just the shift. 25 Q. Okay, the shift. So, in March of 2018, what

Page 22	Page 24
1 shift were you on?	1 fall in the rank?
2 A. On that day, I was working with the shift	2 A. They -- just under investigations. They
3 that consisted of myself, David Spencer, David	3 have a major and a lieutenant and a sergeant in
4 Burroughs, and Darius Ellison.	4 their -- their division over them.
5 Q. Okay. Was that your normal shift? Was that	5 Q. So was it the same way in 2018, what you
6 group your normal shift?	6 just described? Was that the same --
7 A. No.	7 A. I don't think the majors had been promoted
8 Q. Okay. What was your normal shift in 2018?	8 yet. They were just captains. But basically the
9 Because I understand, just -- just to be clear,	9 same.
10 Sergeant Willoughby would normally be in charge of	10 Q. Okay. So if I understand the way detectives
11 that shift, correct?	11 operated, then, it's maybe -- is it similar to a
12 A. Correct.	12 deputy? You would have detectives in a unit, and
13 Q. And he happened to be out on March 7th,	13 then over those detectives you'd have a major or a
14 2018?	14 lieutenant or a sergeant, is that --
15 A. We had switched; he worked night shift and I	15 A. Yes.
16 worked day shift that week.	16 Q. -- is -- okay. I got it. Thank you for
17 Q. Okay. So who was on your normal shift?	17 that.
18 A. I believe at the time I had Scott Gulledge,	18 In terms of the units that involved deputies
19 Weston Kelly, and maybe Mike Helms was working at	19 and at the time in 2018, I guess, there would be
20 the time.	20 also a corporal, because David Burroughs was a
21 Q. And were those three guys all deputies?	21 corporal, right?
22 A. Yes.	22 A. Yeah. There were a few corporals leftover
23 Q. And so they were below rank?	23 from the previous sheriff, and the sheriff just
24 A. Yes.	24 kept them until they phased out or whatever.
25 Q. You were in charge of -- of those guys?	25 Q. So if there was a leftover who was a
Page 23	Page 25
1 A. Yes.	1 corporal, would that person still have
2 Q. And then when you switched with Willoughby	2 rank above --
3 and you were in charge of the other unit which	3 A. Yes.
4 consisted of Burroughs, Spencer, and I think it was	4 Q. -- a deputy?
5 Darius Ellison; does that sound right?	5 So you'd still have to abide by that?
6 A. Yes.	6 A. Yes.
7 Q. Okay. So you were, then, in charge of those	7 Q. Okay. Does -- so a deputy would always
8 guys?	8 answer to a corporal, right?
9 A. Yes.	9 A. Yes.
10 Q. Okay. We were talking earlier about the	10 Q. And then a corporal would answer to a
11 ranks and I -- I -- I wanted to understand the	11 sergeant?
12 ranks and -- and you help me get where corporal	12 A. Yes.
13 fell in because I wasn't sure about that.	13 Q. Okay. And then when you were, like, in the
14 What is the order of rank starting with	14 context of a unit, right, for instance, when you
15 sheriff? And just, I don't mean people; I just	15 were working with that -- that shift, we'll call it
16 mean the titles. I want to understand, like, is it	16 a shift, that's how it would work, deputy, corporal
17 captain? Is it chief? Is it captain? Like, just	17 sergeant.
18 run me through those ranks, if you would.	18 Would -- would that be the same order of
19 A. The way we are structured now we have the	19 command if you were working outside of your normal
20 sheriff, we have the chief deputy, we have two	20 shift? I mean, like, when you come in and you're
21 majors, we have different lieutenants over	21 the sergeant, those deputies, those corporals, they
22 different divisions, and then after that it falls	22 still answer to you, right?
23 to sergeant, and then deputy. And there's	23 A. Yes.
24 detectives, but they're a different division.	24 Q. What about in the context of a -- a
25 Q. I was going to ask you, where do detectives	25 different assignment or a different job? So if --

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<p>1 if one of your deputies was working in another  2 division, maybe the child support office, and he's  3 a deputy and there's a sergeant there, would you  4 expect that your deputy would answer to that  5 sergeant even though he's out of his normal shift?</p> <p>6 A. To a certain extent, yes. A sergeant is  7 still a higher rank. But they usually wouldn't  8 directly order people around unless it was  9 necessary.</p> <p>10 Q. Right. Would a deputy -- generally  11 speaking, if a deputy's in that circumstance and  12 there's a sergeant who isn't his or her shift  13 sergeant, would they still sort of check in with  14 that person, say if they were going to leave the  15 job they were doing, or would they--</p> <p>16 A. Yes.</p> <p>17 Q. I'm sorry. Go ahead.</p> <p>18 A. I'm sorry, yes.</p> <p>19 Q. If -- if that deputy had some concern about  20 any type of situation that arose that was new or  21 raised a red flag, and that deputy were with a -- a  22 sergeant that wasn't the shift sergeant, would you  23 expect that that deputy would still go to the  24 sergeant who was nearby?</p> <p>25 A. If -- yes, if necessary, yeah.</p>	<p>1 A. Friendly. Everybody gets along pretty good.</p> <p>2 Q. How about your relationship with David Scott  3 Burroughs, in particular, back in 2018? How would  4 you describe your relationship with him?</p> <p>5 A. We were friendly. We were acquaintances.  6 We didn't hang out or anything, but...</p> <p>7 Q. Was he -- was he somebody you would talk or  8 text with regularly?</p> <p>9 A. From time to time if we needed it; but, no,  10 we didn't make a habit of just chatting on the  11 phone all the time.</p> <p>12 Q. Uh-huh. And how about socializing outside  13 of work? Did you ever socialize with him outside  14 of work?</p> <p>15 A. I can't recall a time that I ever did, no.</p> <p>16 Q. What about anybody else within the  17 department? Anyone else you socialized with?</p> <p>18 A. Who, me?</p> <p>19 Q. Yes.</p> <p>20 A. I've had different friends from time to  21 time, but I'm really not a big  22 get-out-and-do-stuff-type person.</p> <p>23 Q. Who --</p> <p>24 A. I stick close to my family most of the time.</p> <p>25 Q. Okay. Now, I just want to ask about the</p>
<p>1 Q. So, in other words, you're a deputy, there's  2 a sergeant there with you, you should consider that  3 person as a resource and as your senior, right?</p> <p>4 A. Yes.</p> <p>5 Q. And -- and the point of that, generally, I  6 mean, you mentioned that you became a sergeant  7 because you had more experience, right?</p> <p>8 A. Yes.</p> <p>9 Q. And you want the more experienced officers  10 guiding officers who don't have as much experience,  11 right?</p> <p>12 A. Yes.</p> <p>13 Q. The shift that you were working back on  14 March 7th with Burroughs and Spencer and -- and  15 Darius Ellison, did you have a relationship with  16 them, generally speaking?</p> <p>17 A. I mean, we all know each other, yeah.</p> <p>18 Q. Is it fair to say that the office is not a  19 huge office?</p> <p>20 A. No, it's a very small department.</p> <p>21 Q. Yeah. How would you describe the general  22 relationship among the deputies and sergeants? I  23 mean, we've been talking about rank. But -- so  24 just setting that aside, how would you describe  25 everybody's relationship with each other?</p>	<p>1 other guys on A squad just because, obviously,  2 that -- we'll be focusing on -- on your role with  3 them in March of 2018.</p> <p>4 Q. What about David Spencer? How would you  5 describe your relationship with him back in 2018?</p> <p>6 A. We -- we got along. I was -- he was on the  7 same shift as me before I got promoted and we knew  8 each other.</p> <p>9 Q. Any social interaction with him?</p> <p>10 A. Not really. There may have been a few  11 get-togethers or something that we went to at the  12 same time, but not really.</p> <p>13 Q. Okay. How about Darius Ellison? What --  14 what was your relationship with him?</p> <p>15 A. We were friendly. Again, he was on the  16 shift I left to become a sergeant at the time; so,  17 you know, we got along.</p> <p>18 Q. Any socializing with him outside of the  19 office?</p> <p>20 A. Seems like we played golf maybe one time  21 before I left the shift, but after I went to  22 sergeant I really didn't hang out with him that  23 much.</p> <p>24 Q. Why is that?</p> <p>25 A. Just we didn't see each other a lot, working</p>

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1 different shifts. He'd be on days, I'd be on 2 nights, and we just didn't. Like I said, there's 3 not a lot I do that doesn't involve my kids and my 4 wife anymore, so...	1 Q. Josh. 2 A. Here in the last week, he has been moved to 3 the admin lieutenant over equipment and courthouse 4 and stuff like that. So he's no longer detective.
5 Q. How would you describe the relationship 6 among the units themselves? So, for instance, the 7 relationship between and among David Burroughs and 8 David Spencer and Darius Ellison since they were 9 working together, how would you describe that?	5 Q. And what brought about that change? 6 A. I don't know. You would have to ask the 7 sheriff.
10 A. I -- I do seem to recall that Darius and 11 David Burroughs were real close. I don't know 12 where David Spencer fit in with them at the time.	8 Q. As far as you know, is he happy about that? 9 A. Yeah.
13 Q. What about the other shifts? Were -- was 14 there also a sense of any closeness, whether it was 15 between a couple or -- or two or three of the 16 people on other shifts? Did they just develop a 17 relationship because of the -- the working 18 together?	10 Q. Okay. Let's talk a little bit about David 11 Burroughs and Lela Vang. Names I'm sure you're 12 familiar with by now, right?
19 A. As far as the other rotation, I really can't 20 speak on them because we don't see them at all. 21 They work the days we're off, so there's really not 22 a lot of interaction on the other squads.	13 A. Yeah, I've heard it.
23 Q. What about your squad? What about your 24 shift, the guys that you mentioned? Let's see if 25 I've got their names here. You mentioned Weston;	14 Q. So it's my understanding that it was no 15 secret at Anson County that David Burroughs was 16 dating Lela Vang. Is that a fair statement?
1 is that right? Here we go. Scott Gullede, Weston 2 Kelly, Mike Helms. What about those guys? That 3 was your unit, right?	17 A. Yes.
4 A. Yes.	18 Q. Did you have any interaction with Lela at 19 all? I mean, did you ever see her at a lunch with 20 the guys, ever outside of the office? Did you have 21 any interaction with her at all before March of 22 2018?
5 Q. What about their relationship?	23 A. If I did, it was to the point where I don't 24 recall it.
6 A. We got along okay. We weren't together 7 long. Some people moved around after that. My 8 shift -- over the years, with turnover, my shift 9 changed so many times, I can't -- don't remember 10 who worked for me, when they worked for me.	25 Q. Did you have any interaction with Lela and
11 Q. Got it. Okay. What about your relationship 12 with Jimmy Williams? How would you describe that?	Page 33
13 A. I've known Jimmy -- me and Jimmy went to 14 BLET together.	1 David Burroughs when they were together?
15 Q. Okay.	2 A. I -- I honestly don't -- don't remember if I 3 did.
16 A. I've known him forever. But we -- outside 17 of work, we really never hung out.	4 Q. What do you remember about David Burroughs 5 and Lela Vang's breakup? What do you remember 6 about either when you learned it or what you heard 7 about it?
18 Q. And then Josh Beam is your brother?	8 A. I -- I don't think I even heard about it 9 before the date in question. I didn't know that 10 they had split up at that time.
19 A. Yeah.	11 Q. When you say "the date in question," we're 12 talking about March 7th, 2018, right?
20 Q. Should I ask you how your relationship with 21 your brother is?	13 A. Yes.
22 A. That's a good one.	14 Q. What did you learn on March 7th, 2018 about 15 the relationship?
23 Q. Okay, good. What is his role now within 24 Anson? Is he still a detective?	16 A. Just that they had broken up and that the 17 gentleman that he had given the tip on was 18 supposedly her ex-boyfriend -- or her current 19 boyfriend. I'm sorry.
25 A. Josh's role?	20 Q. And do you remember where you learned that 21 information?
	22 A. I remember that that morning David Burroughs 23 himself called me to meet with me, and he told me 24 that -- well, first when he -- when he called me, 25 we met up and he asked me if I had known anything

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1 about the guy that was supposedly bringing drugs 2 into the county, and I told him no. Then he gave 3 me a rundown saying that he had received tips from 4 some people that this guy was bringing drugs 5 into -- into the county and he was trying to get it 6 stopped, that it was -- he told me that it was her 7 family that had given him the tip because they were 8 concerned about her new relationship.	1 Q. You didn't know him to do any big drug 2 busts, right? 3 A. Not that I recall, no. 4 Q. You knew he wasn't a member of the narcotics 5 unit, correct? 6 A. Correct. 7 Q. I mean, your brother was in the narcotics 8 department at the time, right? 9 A. It's a two-man unit, but, yeah, he was in 10 it.
9 Q. And you said the morning of. You're talking 10 about March 7th, 2018?	11 Q. Right. So there were only two people in 12 that unit: your brother and Jimmy Williams? 13 A. Yes.
11 A. Yes.	14 Q. So you didn't find it unusual that David 15 Burroughs had a tip about what actually was a lot 16 of drugs in the back of somebody's car? You 17 thought that was a normal everyday tip that 18 everybody gets in Anson County?
12 Q. And you said Burroughs called you?	19 MR. PERRIN: Object. Asked and 20 answered.
13 A. Yes.	21 You can answer. Go ahead and answer.
14 Q. Did you remember what time in the morning?	22 BY MS. PFEIFFER:
15 A. I do not recall.	23 Q. You can answer.
16 Q. Where were you when he called?	24 A. Say it one more time, I'm sorry.
17 A. I really don't remember. I was riding 18 around in my patrol car.	25 Q. You didn't find it surprising that David
19 Q. So you were on shift?	
20 A. Yes.	
21 Q. And what do you remember about how you 22 responded to that call from David Burroughs?	
23 A. When he gave me the information, I told him 24 that, you know, if we get a chance, we might ride 25 up that way and see if we can see anything, but I	
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1 really didn't, at the time, put a lot of stock into 2 it because it was so far up on the north end of the 3 county, and I knew I wasn't going to be able to get 4 up there.	1 Burroughs had this tip about what was a lot of 2 drugs in the back of somebody's car, despite him 3 never having a confidential informant, never 4 working with the investigative unit, and you never 5 knowing him to be involved with drug 6 investigations? It didn't surprise you?
5 Q. Was he on shift that day?	7 A. No.
6 A. Yes.	8 Q. But you -- as you said, you don't know him 9 to have ever been involved in a drug bust or a drug 10 investigation, right?
7 Q. And he was calling you while he was also on 8 shift?	11 A. Not that I know of.
9 A. Yes.	12 Q. When he was a patrol officer, right? He was 13 a patrol deputy?
10 Q. Did it surprise you that he was calling with 11 a tip about drugs in a car?	14 A. Yes.
12 A. No.	15 Q. And, you know, we talked about BLT earlier. 16 And one of the things that you learn in BLT -- BLT 17 is that patrol officers, they're limited, right, by 18 certain factors that are out of their control, I 19 mean, lack of manpower, other calls for service, 20 and generally, therefore, they're not running big 21 drug investigations, right?
13 Q. Why not?	22 A. Not extensive drug investigations, no.
14 A. That's not uncommon in a small community 15 like this. We get a million tips a day sometimes 16 from just random people.	23 Q. Anytime there is one, that would be with the 24 drug unit, right?
17 Q. How frequently would David Burroughs have 18 tips about drugs in somebody's car?	25 A. Not always. Patrol can work drugs. We've
19 A. That would be the first one I knew because, 20 like I said, I didn't work with him very long 21 before I moved over and then just working with him 22 on that day.	
23 Q. So you didn't know him to have any 24 confidential informants?	
25 A. Not that I knew of.	

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<p>1 worked them before. I've made several drug arrests 2 in my career.</p> <p>3 Q. But those are usually tied to pulling 4 somebody over in a traffic stop, right?</p> <p>5 A. Yeah, but tips can lead to traffic stops. 6 They do all the time.</p> <p>7 Q. But if you're a patrol officer and you get a 8 tip about a big drug bust, one of the first things 9 that you learn in BLET is that that goes to the 10 drug unit, right?</p> <p>11 A. Not necessarily. Small department. We -- 12 we are jack-of-all-trades sometimes.</p> <p>13 Q. But you took BLET, right?</p> <p>14 A. Yep.</p> <p>15 Q. BLET applies to all departments, right?</p> <p>16 A. It's a basic standard set by the State. 17 Different departments do things a little bit 18 different.</p> <p>19 Q. Well, if there's a department that's not 20 abiding by the Basic Law Enforcement Training 21 manual, they're not abiding by the rules that apply 22 to the entire state; isn't that right?</p> <p>23 A. No. Basic law enforcement is just that. 24 It's basic. It's basic training. You're going to 25 learn other stuff as you get out on the road.</p>	<p>1 Each department sets their own policies and 2 procedures and standards that they go by.</p> <p>3 Due to manpower issues and not always having 4 the narcotics unit and time that you need to do 5 things, you know, road officers can make drug 6 arrests based on tips if it leads that direction.</p> <p>7 Q. All right. I'm going to go ahead and share 8 my screen here. Can you see what's up here on my 9 screen? Can you see this?</p> <p>10 A. Yes.</p> <p>11 Q. So the heading is "Controlled Substances, 12 Basic Law Enforcement Training, Student Manual," 13 and I'll represent to you this is from the 2008 14 manual and has been updated as recently as 2021.</p> <p>15 All right?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And this is controlled substances. And 18 right here, Number 4, I'll read it along. You let 19 me know if I read it correctly. "Patrol response 20 versus a narcotics unit referral. Patrol officers 21 attempting prolonged controlled substance act 22 violations are limited by certain factors which are 23 out of their control."</p> <p>24 This is what you were just talking about, 25 right?</p>
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<p>1 There's other stuff that's done. We are sworn law 2 enforcement officers. We have the authority to 3 enforce all the laws of the State of North 4 Carolina. That's taught in BLET, too.</p> <p>5 Q. Yeah, I understand that, but we talked 6 earlier about the basics of BLET, which is what you 7 have to know in order to be a police officer, 8 right?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And your testimony is that smaller 11 departments can do whatever they want even if it's 12 not what they're taught in BLET; is that your 13 testimony?</p> <p>14 MR. PERRIN: Object.</p> <p>15 You can answer the question.</p> <p>16 THE DEPONENT: No, that's not my 17 testimony.</p> <p>18 BY MS. PFEIFFER:</p> <p>19 Q. Okay. Explain to me what you mean, then, 20 when you said that despite what BLET says you're 21 supposed to do, it's okay for you to do it 22 differently.</p> <p>23 A. Basic law enforcement is teaching tactics 24 and guidelines. It's not law; it's not standard. 25 It's just a basic operation of law enforcement.</p>	<p>1 A. Yes.</p> <p>2 Q. "Lack of manpower," "Other calls for 3 service," "Lack of equipment," "Limited time." 4 Those things are all true, right?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then it says, "As a result of 7 these limitations, it becomes necessary to refer 8 cases to the units that are designed for the 9 specific purpose of narcotics investigation. Such 10 units include," and the first one says, 11 "departmental drug units/detectives."</p> <p>12 Did I read that right?</p> <p>13 A. Yes.</p> <p>14 Q. On March 7th, 2018, Anson County had a 15 departmental drug unit, correct?</p> <p>16 A. Say it again.</p> <p>17 Q. On March 7th, 2018, Anson County had a 18 departmental drug unit, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And it had two detectives in that unit, 21 Jimmy Williams and Josh Beam, your brother, 22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Is your testimony that this Basic Law 25 Enforcement Training document does not apply to</p>

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1 Anson County in the context of drug investigations?	
2 A. I'm sorry. I'm just reading this one more	1 A. Yeah.
3 time.	2 Q. And that's because it takes time to develop
4 Like I said, this is just guidelines. I	3 a confidential informant, right?
5 mean, patrol units can do drugs. We always have.	4 A. Yes.
6 I don't know where you're going with this because	5 Q. You need to trust them?
7 I'm a little confused. This doesn't say we are	6 A. Yeah.
8 required to contact drug units. It says it may	7 Q. And you need to build that relationship over
9 become nec- -- or it is necessary to refer cases	8 time, correct?
10 based on those things. But at the time, we weren't	9 A. Yeah.
11 overly pounded with calls; we didn't have a high	10 Q. Let's talk specifically about March 7th,
12 call volume on that day.	11 2018. We talked about this earlier, that you
13 Q. I'll repeat my question. My question was:	12 didn't give any interviews to anybody that day,
14 Is it your testimony that this page from the Basic	13 whether it was SBI later or Internal Affairs. No
15 Law Enforcement Training manual does not apply to	14 one talked to you about your role at all in the
16 Anson County? Is that your testimony?	15 stop, correct?
17 A. It applies to all law enforcement.	16 A. Correct.
18 Q. All right. I'm going to go ahead and mark	17 Q. Okay. And just to be clear on what it means
19 that as Exhibit 14, I believe that's what we're on.	18 to be in charge of a unit, so Willoughby's out;
20 MS. PFEIFFER: Suzette, can you correct	19 you're the sergeant in charge. What does that
21 me if I'm wrong?	20 mean? Like, what are your duties when you're the
22 MS. WOOLSEY: You're correct. 14.	21 sergeant in charge of a shift?
23 MS. PFEIFFER: All right. Thank you.	22 A. Just to make sure that everybody's doing
24 Who else is surprised?	23 their job, like serving papers and -- and answering
25 (EXHIBIT 14, BLET Controlled Substances	24 their calls and answer any questions they may have
	25 as they do stuff, read reports, review reports.
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1 Page 46, was marked for	1 Just basically take the daily function of the shift
2 identification.)	2 and just keep it moving.
3 BY MS. PFEIFFER:	3 Q. And how do you do that? How do you -- how
4 Q. Did you ever do any detailed drug-related	4 do you keep it moving to make sure people are doing
5 investigations with the narcotics unit?	5 what they're supposed to do?
6 A. No.	6 A. Really around here, I just wait until
7 Q. Did you have any confidential informants	7 somebody has an issue. Or if there's something
8 back in 2018?	8 that needs to be done, I call the person that needs
9 A. I've never had a confidential informant.	9 to do it and make sure they're doing what they're
10 Q. And you're a sergeant, right?	10 supposed to do.
11 A. Yep.	11 Q. Do you recall sort of what your activities
12 Q. Were you aware of any confidential	12 were that day? Like, were you out patrolling?
13 informants who had been developed by anyone on that	13 Were you in the office? What did you do on March
14 shift that they call A squad other than David	14 7th?
15 Burroughs alleging to have one?	15 A. I remember being out on patrol most of the
16 A. No.	16 day.
17 Q. Well, one of the other things you learn in	17 Q. And is that normally what a sergeant would
18 BLET, of course, is that informant development and	18 do? Like if you're on that shift, are you expected
19 use is meant to be employed by experienced officers	19 to also be patrolling?
20 who have advanced training, right?	20 A. Yes.
21 A. Yes.	21 Q. So it's not like it's an office job?
22 Q. And that, of course, is consistent with your	22 A. No.
23 brother's work in the narcotics unit, right? I	23 Q. Who would be -- who would have sort of the
24 mean, you knew that that was part of his job,	24 office job? Would that be a lieutenant who would
25 right?	25 be back at the sheriff's office if something

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1    happened and you needed to reach him?		1    So you refer to this -- you see where I am
2    A. Yes.		2    here? "RESPONSE: David Spencer contacted me and
3    Q. So even though you're in charge, you're		3    told me that he stopped a car for a traffic
4    still sort of considered one of that team out		4    violation."
5    patrolling, just actively aware of what's happening		5    You see that there?
6    in whatever section you're assigned to?		6    A. Yes.
7    A. Yes.		7    Q. Okay. Do you remember about what time you
8    Q. As the sergeant, are you expected to go from		8    got that phone from David Spencer?
9    zone to zone?		9    A. I do not recall.
10   A. If needed, yes.		10   Q. Morning? Afternoon?
11   Q. Okay. I am going to share my screen again,		11   A. It may have been midday, sometime in there.
12   and I'm going to mark as Exhibit 15 your responses		12   I'm not sure.
13   to our interrogatories.		13   Q. Okay. What did he tell you about the
14        MS. PFEIFFER: Sean, do you have those		14   traffic violation?
15        there?		15   A. I don't recall exactly. He believe he said
16        MR. PERRIN: I do.		16   he may have got him for crossing the center line,
17        MS. PFEIFFER: Okay. All right. So		17   but I'm not -- I'm not 100 percent sure what he
18        this will be 15. Let me pull these up.		18   said.
19   BY MS. PFEIFFER:		19   Q. And then you write, "Spencer also informed
20        Q. And you're welcome to look at what your		20   me that Corporal David Burroughs informed him that
21   attorney has there rather than looking on the		21   the car contained narcotics," and "I told Spencer I
22   screen. I'm just going to call these up on the		22   would come to the scene."
23   screen so that we are all looking at the same		23   That's what it says, right?
24   thing. Hang on a quick sec. Do this.		24   A. Yes.
25        (EXHIBIT 15, K. Beam Answers to		25   Q. Now, as I understand from your earlier
Page 47		Page 49
1        Interrogatories, was marked for		1    testimony, you had had a conversation hours before
2        identification.)		2    with Corporal Burroughs about a potential drug
3   BY MS. PFEIFFER:		3    courier going through Anson County, right?
4        Q. Okay. Can you see what's up on my screen?		4    A. Yes.
5        A. Yes.		5    Q. So when David Spencer called you and said
6        Q. All right. Just want to make sure we're		6    Corporal David Burroughs informed him the car
7        looking at the same thing. The title is "Defendant		7    contained narcotics, did you recognize this was the
8        Kyle Beam's Responses to Plaintiff's		8    same tip that Burroughs gave you earlier in the
9        Interrogatories." You have that in front of you?		9    day?
10        A. Yes.		10   A. Yes.
11        Q. Okay, great. Now, on the back page of that		11   Q. And what did Spencer say to you about who
12        is your signature, all the way back on Page 7.		12   was in the car?
13        I'll scroll down here, make sure we're all looking		13   A. I don't believe he gave me the name of the
14        at the same thing here. Right there?		14   person at the time. He just said that there was a
15        A. Yes.		15   single driver. I don't remember much about it at
16        Q. Okay. And you answered these back in		16   that point.
17        November of last year. And were you with your		17   Q. But you knew from Burroughs that this was
18        attorney when you did that?		18   going to be Lela's boyfriend, right?
19        A. Yes.		19   A. Yes.
20        Q. And you understood by signing this		20   Q. And did anything about this call from David
21        Verification that you were effectively swearing		21   Spencer give you pause?
22        that everything in here was true?		22   A. Not -- not really. Not the call from David
23        A. To the best of my knowledge, yes.		23   Spencer. Just -- I mean, like I said, it's not
24        Q. Okay. I want to scroll down to your		24   uncommon for family members of family members to
25        response to Number 1. It will be on Page 2.		25   call us and -- and report stuff that they want us

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1 to look into.	1 violation but, instead, there's a personal
2 Q. Well, you knew by this point in time that	2 vendetta?
3 David Burroughs was very unhappy about the breakup	3 A. I don't know of any.
4 with Lela Vang, right?	4 Q. When Spencer called you, had he already
5 A. I did not.	5 written the citation, do you know?
6 Q. Well, earlier you testified that everybody	6 A. I don't -- I don't know.
7 was aware of the relationship between David	7 Q. Are you aware that he wrote a citation?
8 Burroughs and Lela Vang in the office, right?	8 A. I found out after everything was said and
9 A. Yeah.	9 done.
10 Q. And you get a call from David Burroughs	10 Q. You're familiar with citation writing,
11 alleging that Lela Vang's family is concerned that	11 right?
12 her new boyfriend has drugs in the trunk, right?	12 A. Yes.
13 A. Yes.	13 Q. I'm just going to stop my share for just a
14 Q. Okay. So you knew, therefore, that the	14 minute here.
15 person in the car was Lela Vang's boyfriend, right?	15 You know, again, that's something that you
16 A. Yes.	16 learn about in BLET, isn't it, citation writing?
17 Q. So did that give you pause when David	17 A. Yes, ma'am.
18 Burroughs called and gave you this information?	18 Q. I mean, they have a whole chapter on
19 MR. PERRIN: Object. Asked and	19 techniques of traffic in law enforcement, right?
20 answered.	20 A. Yep.
21 You can answer.	21 Q. Now, earlier you said that you don't learn
22 THE DEPONENT: Again, not really,	22 anything about law or the Constitution at BLET, but
23 because it's not unusual for us to receive	23 that's not quite true, is it?
24 tips from family members and -- and stuff	24 A. I don't believe that's what I said.
25 like that who are not comfortable calling	25 Q. Well, if that's what I understood you to
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1 the direct phone number to the sheriff's	1 say, then I would have understood you incorrectly,
2 office. They'd rather deal with somebody	2 right?
3 they know.	3 A. Yes.
4 BY MS. PFEIFFER:	4 Q. Because one of the things you learn about
5 Q. So it's common in Anson County for people	5 proper service of a citation is that you deliver
6 who have a personal relationship to call someone	6 one copy to the person who received it, right?
7 who has another personal relationship and suggest	7 A. Yeah.
8 there's drugs in the car and they want Anson County	8 Q. And then the original gets filed with the
9 deputies to follow up?	9 clerk by the officer who wrote the citation, right?
10 A. In this small community, it's not unheard	10 A. Yes.
11 of.	11 Q. You also learn that the only person who's
12 Q. So it probably wouldn't surprise you, then,	12 allowed to dismiss a citation is a prosecutor,
13 that there are a fair number of reports about	13 right?
14 people getting pulled over for lack of probable	14 A. I believe so, yes.
15 cause but for a personal vendetta in Anson County,	15 Q. Well, the prosecutor is the person to decide
16 right?	16 that, because it's the prosecutor who figures out
17 A. I don't know anything about that.	17 whether there's sufficient evidence to prosecute,
18 Q. That's not the first time you've heard that?	18 right?
19 A. First time I've heard it, yes.	19 A. Yes.
20 Q. You've been in Anson County since 2016,	20 Q. So only a prosecutor can dismiss a citation?
21 right?	21 A. Yeah. We'll say that.
22 A. Yes.	22 Q. So if -- if the -- if the officer who issued
23 Q. And you're not aware of officers being	23 the citation decided it was within his discretion
24 reprimanded for pulling people over, despite the	24 to void it, that would be wrong, right?
25 fact that there actually hasn't been a traffic	25 A. What do you mean by "void it"?

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<p>1       Q. If an officer writes a citation and then on  2       his own decides to void it, literally write "void"  3       across the citation, that would be wrong?</p> <p>4       A. We've voided check -- listen to me, checks.  5            We've voided citations before, but that's  6       usually one that never gets issued. It would be  7       for -- like we wrote something wrong and couldn't  8       correct it and just moved on to the next citation.</p> <p>9       Q. Right. But if you've issued a citation --  10      A. Yeah, you usually don't write "void" on an  11       issued citation.</p> <p>12      Q. Well, it's not that you usually didn't; you  13       shouldn't.</p> <p>14      A. As far as I know, you're right; you  15       shouldn't.</p> <p>16      Q. Right. Because only a prosecutor can do  17       that, right?</p> <p>18      A. I don't even think they would write "void"  19       on it. They would just dismiss it in the system.</p> <p>20      Q. Right. And so an officer who did that was  21       certainly out of bounds. Fair to say?</p> <p>22            MR. PERRIN: Objection to "out of  23       bounds."</p> <p>24            You can answer.</p> <p>25            THE DEPONENT: He definitely made a</p>	<p>1       needed later, right?  2       A. Yeah.</p> <p>3       Q. So going back to what David Spencer said to  4       you when he told you he pulled someone over for a  5       traffic violation, with as much specificity as you  6       can, tell me what it is Spencer told you in that  7       phone call.</p> <p>8       A. He told me that he had gotten behind the  9       vehicle and stopped it and that he was fixing to  10       ask for consent to search the vehicle, if I would  11       be on the way up that way, and I said I would come  12       up there.</p> <p>13      Q. And why was he fixing to ask for consent to  14       search? Did he say?</p> <p>15      A. I don't remember.</p> <p>16      Q. And you agreed to come?</p> <p>17      A. Yes.</p> <p>18      Q. Because it would be normal if you thought  19       there were drugs in a car, that two people would be  20       there, right?</p> <p>21      A. Yes.</p> <p>22      Q. How long did it take you to get there after  23       Spencer called you, do you think? What would you  24       estimate?</p> <p>25      A. I really don't recall. Maybe 10, 15</p>
Page 55	Page 57
<p>1       mistake or did something out of character  2       for a regular officer.</p> <p>3       BY MS. PFEIFFER:</p> <p>4       Q. Well, we can agree it shouldn't be done?</p> <p>5       A. Yes.</p> <p>6       Q. And the officer who writes that citation is  7       supposed to keep the notes and a copy of that  8       citation until all appeals are dismissed or all  9       appeals have passed and are exhausted, right?</p> <p>10      A. Yes.</p> <p>11      Q. And that, of course, is because if -- if you  12       don't have the notes and if you don't have the  13       citation, you might not have evidence if there's an  14       appeal later, right?</p> <p>15      A. Yes.</p> <p>16      Q. Or if there's a civil case later, right?</p> <p>17      A. Yes.</p> <p>18      Q. I mean, it's to make sure that evidence is  19       retained, right?</p> <p>20      A. Yes.</p> <p>21      Q. So if an officer who issued a citation  22       decided that it's within his discretion to void a  23       citation, not only is it wrong because it's the  24       prosecutor's job to do so, but it's wrong because  25       he could also be destroying evidence that might be</p>	<p>1       minutes. I believe I was in Wadesboro when it --  2       Q. I was going to ask, do you remember where  3       you were?</p> <p>4       A. Yeah. I was in -- I was somewhere in  5       Wadesboro, in -- down near Wadesboro.</p> <p>6       Q. When you arrived on the scene, where was  7       Spencer?</p> <p>8       A. He was standing I believe beside his patrol  9       car.</p> <p>10      Q. And did he have his citation book in his  11       hand?</p> <p>12      A. I don't believe so.</p> <p>13      Q. Where was Ray Kifer when you arrived?</p> <p>14      A. I want to say he was in Deputy Spencer's  15       car.</p> <p>16      Q. And do you know, was he handcuffed at that  17       point, do you know?</p> <p>18      A. I don't recall.</p> <p>19      Q. Had Spencer started a search at all before  20       you came?</p> <p>21      A. No.</p> <p>22      Q. Just going back to your interrogatories, and  23       I -- I don't need to pull them back up on the  24       screen. If you just want to track along with me  25       here, I'm still on your answer to Number 1. You</p>

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1 said, "I arrived and assisted Spencer in searching 2 the vehicle's trunk."	1 Q. All right. So when you approached, you came 2 up to Spencer's car. You didn't even go up to 3 Mr. Kifer's car at that point. You just stopped 4 and stood at Mr. -- at -- at Spencer's patrol car?
3 Did you guys start anywhere else? Like, did 4 you start in the body of the car, or -- or did you 5 go to the trunk? What do you remember about the 6 search itself?	5 A. Yes.
7 A. What I remember about the search is I stood 8 by -- next to Deputy Spencer's car and he did the 9 majority of the search. And I believe he started 10 in the passenger area and then ended up at the 11 trunk at some point.	6 Q. Okay. And then he sort of motions to you 7 and -- and says, "It's in the trunk," or something 8 thereabouts, and then what do you do?
12 Q. Okay. And did you -- when you said -- you 13 wrote here that you assisted in searching the 14 vehicle's trunk. So, at some point, did you step 15 away from Spencer's car --	9 A. I walked over to look at what he had 10 indicated.
16 A. Yes.	11 Q. And what did you see?
17 Q. -- to physically assist in the search?	12 A. I remember seeing a plastic -- I want to say 13 it was like a folder-type pouch of some kind and it 14 had a bunch of different stuff inside of it.
18 A. When he indicated that he had located 19 something in his trunk, I stepped over to look at 20 it.	15 Q. Could you make out what any of that stuff 16 was just upon first seeing it?
21 Q. Okay. So he's the one who first opened the 22 trunk and looked in the trunk?	17 A. I knew that it looked like there might be 18 some smaller packages of something inside, maybe 19 some kind of powder or something like that.
23 A. Yes.	20 Q. Do you remember what color it was?
24 Q. And when you say "he indicated something was 25 in the trunk," what did he say or do?	21 A. I -- I really don't at this point remember 22 exactly what color. It was -- it was a darker, but 23 still a clear-ish color. I don't -- don't recall.
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1 A. I believe he just pointed in the trunk and 2 said, "There it is" or something like that.	1 Q. Okay. And -- and so then you had mentioned 2 earlier taking a photograph?
3 Q. And when you say, "He said, 'There it is,'" 4 it was sort of confirmatory, like he knew what he 5 was looking for?	3 A. Yeah. When I saw the packaging and what 4 could possibly be in there, that's when I contacted 5 my brother to see if they wanted to come up there 6 and take a look at it.
6 A. -- yeah, you would say that. I -- like I 7 said, I can't remember exact words, but it was 8 pretty much, you know, there's -- There's something 9 right there, or something like that. I don't know 10 exactly what he said.	7 Q. Uh-huh.
11 Q. And let me ask this. When you -- when you 12 approached in your car, was this on the side of the 13 road?	8 A. And I did send him a picture to show him 9 what we had.
14 A. Yes.	10 Q. Okay. So Spencer calls you over, you see 11 this pack, you think it looks like it might be 12 drugs, you already have this call with Burroughs, 13 seems like thing to do is call the drug folks, you 14 take a picture, you send it to your brother, right?
15 Q. And where did you pull up in relation to 16 Spencer's car and Mr. Kifer's car?	15 A. Yes.
17 A. Behind Spencer's car.	16 Q. Okay. At what point is Ray Kifer arrested?
18 Q. Okay. And just so I understand -- I'm 19 trying to create a visual for myself here so I 20 understand.	17 A. I believe at that point, we did -- advised 18 him he was being detained. I don't know if we used 19 the word "arresting." If somebody did, it wasn't 20 me.
21 Was it Mr. Kifer's car first and then it was 22 Spencer's car and then your car all in a row?	21 Q. Well, I'll represent to you that David 22 Spencer had said he was told he was being arrested.
23 A. Yes.	23 A. Okay.
24 Q. Okay.	24 Q. And that's what he also told Agent Blackman.
25 A. I believe so.	25 A. Okay.

<p style="text-align: right;">Page 62</p> <p>1 Q. And as I read in your report, you also say 2 that he was arrested. If we turn to Page 5 -- Page 3 3, Paragraph 5, we ask about the duration of time. 4 Are you with me there?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. You say, "Williams and Josh Beam 7 arrived ten minutes after Mr. Kifer was placed 8 under arrest." Okay?</p> <p>9 A. Okay.</p> <p>10 Q. All right. So we can agree he was placed 11 under arrest, right?</p> <p>12 A. Yes.</p> <p>13 Q. Now, when he was placed under arrest, he 14 asked a number of times why he was being placed 15 under arrest. Do you remember that?</p> <p>16 A. I did not have a conversation with 17 Mr. Kifer. I don't remember anything that he said. 18 I never...</p> <p>19 Q. Who placed the handcuffs on him?</p> <p>20 A. That would have been David Spencer.</p> <p>21 Q. And where were you when David Spencer put 22 the handcuffs on him?</p> <p>23 A. Probably just standing by the vehicle. I 24 don't remember exactly what side of the vehicle, 25 but I would have been standing there.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. But if you're placing somebody under arrest, 2 you know that there's actually statutory 3 requirements what you need to do, right?</p> <p>4 A. Yes.</p> <p>5 Q. I mean, you need to identify yourself as a 6 law enforcement officer if it's not obvious, right?</p> <p>7 A. Yep.</p> <p>8 Q. And -- and you need to -- you need to inform 9 the suspect they're under arrest, right? You can't 10 just put handcuffs on somebody and say "you're 11 good, right"? You got to say, "You're under 12 arrest," right?</p> <p>13 A. Yes.</p> <p>14 Q. And then you're required to tell them why 15 they are under arrest, right?</p> <p>16 A. Yes.</p> <p>17 Q. Can you think of any reason why an officer 18 who was putting somebody under arrest in handcuffs 19 in the back of their car would not tell them why 20 they were under arrest?</p> <p>21 A. I cannot think of one.</p> <p>22 Q. So let's -- let's go back to your decision 23 to call your brother and Jimmy Williams. 24 Why did you decide to call them?</p> <p>25 A. Because of the way the narcotics appeared to</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. But you were close enough because, 2 obviously, you just found a lot of drugs in 3 somebody's trunk. And even if you're not a 4 narcotics detective, you know that you want to 5 stand there by the person you're with just for 6 safety, right?</p> <p>7 A. Yeah.</p> <p>8 Q. So is it your testimony that you didn't hear 9 Mr. Kifer asking why he was being put under arrest?</p> <p>10 A. Yeah. I don't remember hearing him saying 11 anything.</p> <p>12 Q. Do you remember him being patted down?</p> <p>13 A. I don't recall that, either. I don't 14 remember when that hap- -- when that occurred. 15 That may have been when I was on the phone with my 16 brother.</p> <p>17 Q. Okay. Well, Mr. Spencer testified that 18 Kifer did ask multiple times why he was under 19 arrest, and neither one of you responded to that.</p> <p>20 Can you think of any reason why he wouldn't 21 be told why he was being put under arrest?</p> <p>22 A. I cannot -- I cannot answer for Deputy 23 Spencer, but if I -- I don't remember hearing him, 24 so I wouldn't respond to something I don't remember 25 hearing.</p>	<p style="text-align: right;">Page 65</p> <p>1 be packaged. It seemed like something that just 2 didn't fit the mold of a normal drug thing for 3 Anson County.</p> <p>4 Q. What do you mean by that?</p> <p>5 A. Our -- I'll just be honest. Our drug deals 6 are real sloppy. Most of their stuff is just in 7 plastic baggies and grocery bags and anything they 8 can stick it in. This just seemed a little too 9 organized for something around here.</p> <p>10 Q. And so when you say that it was too 11 organized, it didn't seem like what you normally 12 have, what --</p> <p>13 A. Yeah.</p> <p>14 Q. -- was your concern about that? What -- 15 what --</p> <p>16 A. It -- I'm just going to be honest with you, 17 I don't know. It just didn't feel right.</p> <p>18 Q. Were you at that point putting together the 19 call from Burroughs and now this, and were you 20 thinking to yourself, This is odd? I mean, was it 21 sort of everything coming together at that point? 22 I mean, look, at this point, right, you've got 18 23 years of experience, right? Like, were you --</p> <p>24 (Indiscernible crosstalk.)</p> <p>25 BY MS. PFEIFFER:</p>

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1 Q. -- on you?	2 A. I just -- I really can't put a finger	1 Q. What do you mean "that makes sense now"?
3 on it. Something just felt like I needed more	4 people involved than what we had at that point.	2 What makes sense?
5 Q. And it sounds like it was pretty easy to	6 reach Josh Beam and Jimmy Williams, right?	3 A. When he -- when they called me and said that
7 A. Yeah.	8 Q. I mean, they were there within ten minutes?	4 he admitted to what he did and that they were
9 A. Yeah.	10 Q. So if somebody needed to have the drug unit	5 taking it further into internal investigation, I
11 look into something, they -- they could have called	12 them pretty quickly, right, particularly if that	6 said, well, that makes sense why he tried to get --
13 person was a deputy?	14 A. Hmm, yeah.	7 get us to stop the car.
15 Q. And in that ten minutes that Ray was	16 arrested and asked -- you know, he asked about why	8 Q. And was that the first time it started to
17 he was being put under arrest, what do you remember	18 happening during that ten-minute period of time?	9 make sense to you?
19 Where were you? Where was Spencer? What do you	20 remember about that, if anything?	10 A. I'm not going to lie to you. That was --
21 A. At that point, I believe after I called them	22 and they said, "Just sit tight, we're on the way,"	11 yeah, that was the minute it was just kind of,
23 I -- I believe I just went back and sat in my car	24 and just waited.	12 like, a light bulb. Like, yeah, okay.
25 Q. And then --		13 Q. And when they showed up and you said,
		14 "Here's the drugs, this is where I found them," is
1 A. I don't remember exactly.	2 Q. Okay. Sorry.	15 it your testimony that you didn't, at that point in
3 When Jimmy Williams and -- and -- and Josh	4 showed up, what did you tell them when they	16 time, think it would be wise to tell them what
5 arrived?	6 A. At that point, I just told them what we had	17 David Burroughs had said to you earlier in the day?
7 found. And they said, "Okay, we'll -- we'll look	8 into it," and then they kind of just took over.	18 A. At that point, I just thought that they were
9 Q. That was it? You -- they just said, "Okay,	10 we'll -- we'll deal with it"?	19 going to take it over as a drug investigation and I
11 A. Yeah.	12 Q. And when you say "we told them what we	20 let them have it.
13 found," how much detail did you give them?	14 A. At that point, I believe the item was still	21 Q. Well, if they're taking it over as a drug
15 in the trunk, and I just told them there's a	16 package in the trunk, looks like it's got drugs,	22 investigation, the first place they start is with
17 and they went and looked at it.	18 A. Had you already told them about your call	23 who originated the stop, right?
19 with David Burroughs that day?	20 A. Not at that particular point, no.	24 A. Yeah.
21 Q. When did you tell them about your call with	22 David Burroughs?	25 Q. I mean, the detectives' job is to gather all
23 A. I believe it was later on that afternoon	24 after everything had come out. I was just, like,	
25 well, that makes sense now.		
		Page 69
1 of the information that relates to the	2 investigation.	1 A. Yeah.
3 Q. And this investigation started with David	4 Burroughs calling you and giving you a story about	5 Lela's family giving him a tip about her current
5 arrived?	6 boyfriend, right?	7 boyfriend, right?
6 A. At that point, I just told them what we had	8 A. I believe he had talked to other people	8 A. I believe he had talked to other people
7 found. And they said, "Okay, we'll -- we'll look	9 before that.	9 before that.
8 into it," and then they kind of just took over.	10 Q. I'm just talking about what you knew at that	10 Q. I'm just talking about what you knew at that
9 Q. That was it? You -- they just said, "Okay,	11 point in time.	11 point in time.
10 we'll -- we'll deal with it"?	12 A. Yes.	12 A. Yes.
11 A. Yeah.	13 Q. And you had been a law enforcement officer	13 Q. And you had been a law enforcement officer
12 Q. And when you say "we told them what we	14 for 18 years at this point, right?	14 for 18 years at this point, right?
13 found," how much detail did you give them?	15 A. Yes.	15 A. Yes.
14 A. At that point, I believe the item was still	16 Q. You knew it would be important to give them	16 Q. You knew it would be important to give them
15 in the trunk, and I just told them there's a	17 information that you had that related to a drug	17 information that you had that related to a drug
16 package in the trunk, looks like it's got drugs,	18 investigation, didn't you?	18 investigation, didn't you?
17 and they went and looked at it.	19 A. I told them if they had any questions they	19 A. I told them if they had any questions they
18 Q. Had you already told them about your call	20 could call me.	20 could call me.
19 with David Burroughs that day?	21 Q. So it's your testimony they should have to	21 Q. So it's your testimony they should have to
20 A. Not at that particular point, no.	22 ask you the questions, even though you had	22 ask you the questions, even though you had
21 Q. When did you tell them about your call with	23 information from just a few hours before?	23 information from just a few hours before?
22 David Burroughs?	24 A. (Indicating.)	24 A. (Indicating.)
23 A. I believe it was later on that afternoon	25 I don't know what to tell you on that one.	25 I don't know what to tell you on that one.
24 after everything had come out. I was just, like,		
25 well, that makes sense now.		

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<p>1 I just didn't -- I don't remember giving them any 2 information until later that day.</p> <p>3 Q. Wouldn't you expect your deputies to provide 4 you all the underlying information if they were 5 about to case -- pass a case off to you?</p> <p>6 A. Yes, I would.</p> <p>7 Q. Why would it be any different for you 8 handing a case off to the drug unit?</p> <p>9 A. I -- I don't know.</p> <p>10 Q. So after they take Ray and they put him in 11 what I understand is a black unmarked Ford F-150 12 with a federal agent inside, what did you 13 understand was going to happen next?</p> <p>14 A. I -- the way I understood it, they were 15 going to go take him and see if he wanted to answer 16 any questions about what they had found.</p> <p>17 Q. I want to try to get an idea of -- about 18 what time this was now. So I'm happy to show you 19 the citation or the incident report if you want to 20 see it, but what I'll represent to you is that 21 David Spencer shows the citation being issued at 22 3:46 in the afternoon.</p> <p>23 MS. PFEIFFER: Do you have that there, 24 Sean?</p> <p>25 MR. PERRIN: I do. Give me one second.</p>	<p>1 they were still there?</p> <p>2 A. Yes, they were still there, and David 3 Spencer was still there. I was scheduled to get 4 off work earlier that day, so...</p> <p>5 Q. Okay. What time were you scheduled to get 6 off?</p> <p>7 A. I believe I was getting off anywhere between 8 4:00 and 4:30. I had a baseball game I had to 9 coach for my son.</p> <p>10 Q. Okay. Do you -- did you clock out that day?</p> <p>11 A. Yes, but I don't remember exactly what time 12 I left.</p> <p>13 Q. Do you --</p> <p>14 A. I know it was enough time to go home, change 15 clothes, and get to the ball field to start the 16 game by 6:00.</p> <p>17 Q. Okay. Do you -- do you think that you left 18 between 4:00 and 4:30, like intended?</p> <p>19 A. It was probably closer to 4:30, if I had to 20 guess, but I can't remember exactly.</p> <p>21 Q. Okay. So, as I understand it then, Jimmy 22 Williams and Josh Beam show up. Spencer is still 23 there. Ray is in the backseat. You -- you're, 24 like, this is under control, I got to get to my 25 kid's game, and -- and you leave, you're off the</p>
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<p>1 MS. PFEIFFER: Yeah, if you want to 2 take a look at it, just so -- so we're --</p> <p>3 MR. PERRIN: All right. I'm showing it 4 to him.</p> <p>5 MS. PFEIFFER: Pull it up, too, if 6 it's -- just let me know if you want me to 7 pull it up on the screen.</p> <p>8 THE DEPONENT: Yeah, that's -- that's 9 what's on there.</p> <p>10 BY MS. PFEIFFER:</p> <p>11 Q. All right. So then if it takes about ten 12 minutes for those guys to show up. We're probably 13 at about 4:00 by now. Did they stay very long once 14 they arrived?</p> <p>15 A. I don't know. I left shortly after they 16 took over.</p> <p>17 Q. Okay. So when they came and they took Ray, 18 did you see them put Ray in the truck?</p> <p>19 A. I don't recall them taking him out while I 20 was there, or taking him out of Spencer's car and 21 putting him in there while I was there.</p> <p>22 Q. Okay.</p> <p>23 A. I don't recall.</p> <p>24 Q. What time do you think you left them? Were 25 they still there when you left? You drove off and</p>	<p>1 clock, right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you have any further involvement 4 with the incident that day?</p> <p>5 A. No.</p> <p>6 Q. At some point, did you understand that an 7 internal investigation was underway?</p> <p>8 A. Yes.</p> <p>9 Q. When did you learn that?</p> <p>10 A. I believe it was -- it was later on that 11 evening. It was after the ball game, maybe. My 12 brother called me and said that Burroughs had 13 admitted to what he did.</p> <p>14 Q. So your brother, Josh, called you?</p> <p>15 A. Yeah.</p> <p>16 Q. Do you remember what else he said in that 17 call?</p> <p>18 A. Just that they were going to be calling the 19 SBI to open an investigation and that I needed to 20 be ready in case they had any questions.</p> <p>21 Q. But then you were never contacted by the 22 SBI?</p> <p>23 A. No.</p> <p>24 Q. Did Josh let you know that there was an 25 Internal Affairs investigation going on within the</p>

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<p>1 department, though? Setting aside the SBI    2 investigation, did you --    3 (Indiscernible crosstalk.)    4 THE DEPONENT: Yes.    5 BY MS. PFEIFFER:    6 Q. What did he say about that investigation?    7 A. Just that Brian Tice and Lieutenant Little    8 would be looking into that part.    9 Q. And did he tell you that you might want to    10 expect to hear from them?    11 A. Yes.    12 Q. But you didn't hear from them?    13 A. No.    14 Q. Did that surprise you?    15 A. Not really. I -- I -- I just figured they    16 got enough of what they needed from everybody else,    17 that they didn't need me.    18 Q. Well, if you were doing a thorough    19 investigation, wouldn't you want to hear from    20 everybody who was involved in -- in sort of, like,    21 the critical event?    22 A. Yeah, I probably would.    23 Q. If you weren't surprised, is that because    24 you view Internal Affairs as not always doing a    25 very thorough and effective job?</p>	<p>1 A. Not that day.    2 Q. You learned that --    3 (Indiscernible crosstalk.)    4 THE DEPONENT: Seems like I -- seems    5 like I learned it a few days later, yeah.    6 BY MS. PFEIFFER:    7 Q. Do you remember how you learned that?    8 A. I can't -- I really can't recall. Talking    9 to somebody somewhere.    10 Q. Did Spencer talk with you about it in the    11 days that followed?    12 A. I don't remember him talking to me about it,    13 but I'm not going to say he didn't.    14 Q. You don't recall?    15 A. I mean, just don't recall.    16 Q. Okay. Were you aware that David Spencer was    17 asked to write a statement about what happened for    18 the Internal Affairs guys, for Tice and Little?    19 A. I believe I found that out later on, yes. I    20 didn't know he had to, but I can't remember if    21 that's something I found out then or something I    22 found out here recently. I can't remember.    23 Q. I got it.    24 You mentioned that your brother, when he    25 called you, he said that Burroughs had admitted to</p>
<p>1 MR. PERRIN: Objection.    2 THE DEPONENT: I've -- I've never done    3 an internal investigation, so I don't know    4 what it entails. I've never been a part of    5 an internal investigation, so I didn't know    6 what they needed.    7 BY MS. PFEIFFER:    8 Q. Yeah, I understand. I'm asking about your    9 opinion about the internal investigations at Anson.    10 I mean, you said you weren't surprised they didn't    11 talk to you. I'm surprised. So, I mean...    12 A. This is -- this is the first one I had ever    13 heard of in this detail, so I don't know what their    14 standards were.    15 Q. But if you were doing it, you certainly    16 would want all the information you could get from    17 everybody involved in the critical events, right?    18 A. That would be me, yes.    19 Q. Were you aware that David Spencer was called    20 by Lieutenant Little?    21 A. I believe I found that out some days later.    22 I don't think I knew it that day.    23 Q. So you weren't aware that he got that call    24 on his way to the magistrate from the stop? You    25 didn't know that?</p>	<p>1 what he did. So you were aware he was interviewed    2 by Internal Affairs, right?    3 A. I knew he was interviewed by several    4 members. I don't remember who they said all was    5 there when he -- when he did it, but yes.    6 Q. And are you aware that David Burroughs wrote    7 out a statement for Internal Affairs?    8 A. I was not aware at the time, but I am now,    9 yes.    10 Q. Have you reviewed that statement, the    11 handwritten statement that he did for Internal    12 Affairs?    13 A. I have not seen it, that I recall.    14 Q. But you --    15 (Indiscernible crosstalk.)    16 THE DEPONENT: I would remember that.    17 (Reporter asks for clarification.)    18 THE DEPONENT: I think I would remember    19 that.    20 BY MS. PFEIFFER:    21 Q. At what point did you find out that the SBI    22 was going to be involved?    23 A. I -- when they told me that night, he said    24 that they were going to -- the sheriff was going to    25 be contacting the SBI to look into it.</p>

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1 Q. And, again, that was what you learned from 2 your brother? 3 A. Yes. 4 Q. Okay. Okay. If you still have those 5 interrogatories nearby, I want to flip to Page 5, 6 and let's take a look at Number 12. I'll just give 7 you a minute to read through that. This is our 8 question asking about any phone, texts or other 9 communications between you and anyone else. 10 A. (Reviewing.) 11 Okay. 12 Q. Now, you talked earlier about the phone call 13 from Burroughs earlier in the day, that morning. 14 A. Yes. 15 Q. I don't see that mentioned here. I'm 16 wondering why you didn't include that in this 17 response? 18 (Reporter asks for clarification.) 19 THE DEPONENT: Yeah. It says "Upon 20 information and belief, I believe Burroughs 21 contacted me shortly prior to Spencer 22 stopping the car." 23 BY MS. PFEIFFER: 24 Q. Right. Shortly prior to stopping the car is 25 not the same thing as the morning, right?	1 that -- that they would just take care of 2 everything and to just let it go. 3 Q. About what time do you think that phone call 4 was? 5 A. I don't recall. 6 Q. Do you think it was a short call? 7 A. I don't remember how long it was. 8 Q. Do you remember providing David Burroughs 9 with any significant information about the stop 10 that day? 11 A. Not that I recall. 12 Q. Back up to that first paragraph, same one, 13 Number 12, "David Spencer called and informed me he 14 was attempting to locate a call" -- sorry, "locate 15 a car." Couldn't get close enough to confirm. "I 16 told him I would meet him, and told him to call 17 Burroughs again." 18 Did I read that right? 19 A. Yes. 20 Q. Okay. So, as I read this, you were already 21 on your way to meet him, meaning David Spencer, as 22 soon as he called you just to say he spotted the 23 car and couldn't get close; is that correct? 24 A. I told him I would meet with him, but I 25 don't know if I was already on the way to meet him
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1 A. I mean, I guess it's your opinion on what 2 "shortly" is. Same day would be shortly to me. 3 Anything within 12 -- I mean, I don't know. I 4 mean, just -- I can't -- I can't -- I can't recall 5 why I worded it that way, but anything -- it all 6 kind of runs together. 7 Q. Okay. So your testimony is that that last 8 paragraph "Upon information and belief, I believe 9 Burroughs contacted me shortly prior to Spencer 10 stopping the car," that's the call in the morning 11 where he told you that he was contacted by Lela's 12 family; is that correct? 13 A. Yes. 14 Q. Okay. And then shortly after, Mr. Kifer was 15 arrested concerning the stop, right? 16 A. Yes, that's what I have here. 17 Q. Okay. Tell me about that second phone call 18 after Mr. Kifer was arrested. When did Burroughs 19 call you? 20 A. I believe he called me -- and I'm just -- 21 I'm -- I do remember talking to him that afternoon 22 and him trying to ask me what we found, and I 23 remember telling him that he could talk to Josh and 24 Jimmy about that because they're the ones looking 25 into it. Because at that time, they had told me	1 or if I just meant we would meet and discuss what 2 he saw. I don't remember. 3 Q. Okay. But you remember that he called you 4 and he hadn't stopped the car yet. You remember 5 that? 6 A. Yes. 7 Q. Okay. And at that point, you already have 8 the call from David Burroughs in the morning 9 shortly before, right? 10 A. Yes. 11 Q. And now Spencer calls you and says he's 12 identified this car that Burroughs says is carrying 13 narcotics, but he couldn't stop it, right? So you 14 know this at this point, right? 15 A. I know he said he thought he -- he saw a 16 car, but couldn't tell if it was the one he was 17 looking for, yeah. 18 Q. And you say you're going to head on over, 19 right? 20 A. Yes. 21 Q. And then you told him to call Burroughs 22 again? 23 A. Yeah. I believe that was just to confirm 24 one more time what he was trying to tell us was up 25 with the -- the car.

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<p>1       Q. Well, what do you remember specifically  2     about why you asked him to call Burroughs again? I  3     mean, by this point in time you had a conversation  4     with Burroughs in the morning, Spencer has called  5     you, and it sounds like given you similar  6     information, and then you say call Burroughs again.  7       What else did you need from Burroughs at  8     that point?</p> <p>9       A. I don't remember. I really don't.</p> <p>10      Q. Were you concerned about the situation at  11     this point? Was it feeling a little fishy?</p> <p>12      A. I wouldn't say -- no, because, again, we get  13     tips from family members of family members of  14     family members all the time. It was nothing that I  15     hadn't come across several times in my career.</p> <p>16      Q. It's your testimony that this situation is  17     common in Anson County, the one that we're talking  18     about here today?</p> <p>19      A. This particular situation is not common.  20     But we do get calls from ex-girlfriends of drug  21     dealers who want to get them arrested, or  22     somebody's cousin saw something that they want us  23     to check out. So it's not uncommon in a small  24     community for people that know people to -- to give  25     information.</p>	<p>1       A. Okay.</p> <p>2       Q. -- that this situation is unique, correct?</p> <p>3       A. Yes.</p> <p>4       Q. Second paragraph back on Number 12, your  5     response, "After Mr. Kifer was stopped, Spencer  6     called me again and advised me of the situation."</p> <p>7       What do you remember about that, "advised me  8     of the situation"? Is this the same call we talked  9     about earlier?</p> <p>10      A. I think what I -- what I meant in that one  11     would have been that he called me and told me that  12     he had the vehicle stopped and why he stopped it,  13     and that he was going to talk to the driver about  14     consent to search the vehicle. That's the  15     situation at that point.</p> <p>16      Q. All right. I'm going to share my screen  17     here. And give me a second.</p> <p>18      Okay. I'm showing you what has previously  19     been marked as Exhibit 12, and I'm sure your  20     attorney will stipulate that these are David  21     Burroughs's phone records provided by the SBI that  22     they received in the context of their investigation  23     into this matter, okay?</p> <p>24      A. Okay.</p> <p>25      Q. You can see David Burroughs' name up here,</p>
<p>1       Q. That's not what these tips were, though.</p> <p>2       A. I didn't get the tips, so I don't know what  3     they were.</p> <p>4       Q. You talked to David Burroughs that morning?</p> <p>5       A. He told me it was a family member of his  6     ex-girlfriend concerned about the boyfriend and his  7     activities.</p> <p>8       Q. And it's your testimony that that's typical,  9     that an Anson County deputy who has a romantic  10     relationship with someone that's broken off would  11     normally get a tip from that person's family and  12     would then report that tip to his fellow deputies  13     when the tip is about his ex-girlfriend's current  14     boyfriend? That, you're telling me, is typical,  15     typical day in Anson County; is that right?</p> <p>16      MR. PERRIN: Objection to form.</p> <p>17      You can answer.</p> <p>18      THE DEPONENT: It's -- I wouldn't say  19     romantic relationships. This would be the  20     first one I knew to be romantic, but there  21     are people who's family members of family  22     members.</p> <p>23    BY MS. PFEIFFER:</p> <p>24      Q. We're talking about this situation. We can  25     agree --</p>	<p>1       his phone number just below. All right?</p> <p>2       A. Okay.</p> <p>3       Q. And your -- your phone number that you  4     provided to us in your interrogatories that you  5     were using that day is 704.690.0951, right?</p> <p>6       A. I don't believe -- okay. Yes.</p> <p>7       Q. Is that right? Okay. I want to make sure.</p> <p>8       I'm just going to scroll down here and then  9     I'm going to show you a subset. So this phone  10     record we have here, what I'm scrolling through --  11     and I don't know if your attorney has it. We're  12     not going through all these calls, but I'll  13     represent to you these are from January 1st, 2018  14     all the way through to April 8th, 2018. Okay?</p> <p>15      A. Okay.</p> <p>16      Q. But I'm going to zero in on March 7th here,  17     okay?</p> <p>18      A. Okay.</p> <p>19      Q. All right. Now, you talked about a phone  20     call from David Burroughs in the morning. I've  21     created a few subsets of calls between you and  22     David Burroughs and also David Burroughs and David  23     Spencer. And what I'm going to do is I'm going to  24     stop sharing this record here and then let me pull  25     up a subset for you.</p>

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1	The first one I want to show you is your	1	records there in case he wants to
2	calls with Burroughs. Okay. Let me show my screen	2	double-check.
3	here. I just want to understand when this phone	3	MR. PERRIN: Yeah.
4	call was that you say Burroughs called you in the	4	MS. PFEIFFER: Just for ease of putting
5	morning.	5	this together, I created another subset just
6	Okay. So I will represent to you that this	6	to ask him some questions, because there's
7	subset here is all of the calls between you and	7	so many calls on there.
8	David Burroughs on March 7, 2018. Now, I do have	8	MR. PERRIN: Sure.
9	the times there.	9	BY MS. PFEIFFER:
10	Have you looked at phone records before in	10	Q. Yeah. If you want to have it there,
11	the context of an investigation?	11	Sergeant Beam, just to make sure that what I'm
12	A. No.	12	showing you is accurate, that's fine with me.
13	Q. I will represent to you that when it says	13	A. Okay.
14	one minute -- see my cursor circling here "one	14	Q. And I'm going to -- I'm going to mark what I
15	minute"?	15	had just showed you. We'll mark that as -- I think
16	A. Okay.	16	we're up to Exhibit 16; is that right?
17	Q. Okay. When it says "one minute," that's a	17	MS. WOOLSEY: 16 will be the subset.
18	missed call. It doesn't mean that anything	18	(EXHIBIT 16, Subset of calls between K.
19	connected. If it's a voicemail, it says VM for	19	Beam and D. Burroughs, was marked for
20	voicemail. But one minute is -- nothing happened.	20	identification.)
21	So the only calls in the morning of March	21	MS. PFEIFFER: Okay. That's the first
22	7th, 2018 are at 6:50 a.m., Burroughs tries to call	22	subset.
23	you. It's a missed call. 9:30 a.m. Burroughs	23	Now, this next one I'm going to mark as
24	tries to call you. It's a missed call. You tried	24	Exhibit 17. This is another subset here.
25	to call him at 1:20. That's a missed call.	25	(EXHIBIT 17, Subset of calls between
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1	A. Got it.	1	D. Burroughs, K. Beam, D. Spencer, was
2	Q. 2:46, he tries to call you, and that's a	2	marked for identification.)
3	missed call. So I don't see any call in the	3	BY MS. PFEIFFER:
4	morning between you and David Burroughs.	4	Q. So let me -- let me share my screen again.
5	A. Again, I -- I could not remember when	5	Okay. So what I have here is a subset that
6	everything happened. I mean, my time frames on	6	shows the calls between you and David Burroughs,
7	everything is running together right now. I don't	7	between Spencer and Burroughs. So anyway, it's
8	remember exactly what the times were.	8	calls among all of you. Okay? And I started with
9	Q. Got it. Well, in your interrogatories you	9	that first call at 2:36, which is the first time
10	said there was a call shortly before the stop, and	10	there's any conversation between Spencer and
11	here at 2:59, there's a four-minute call from	11	Burroughs.
12	Burroughs to you. Do you think it's possible that	12	And if you've got that phone record in front
13	is the call you are remembering, it wasn't in the	13	of you, you'll see at 2:36 there's a call between
14	morning?	14	Burroughs and Spencer. And Spencer's number is
15	A. It could be.	15	704.695.6956. And it will show you right there how
16	Q. Okay. All right. Let me see if I can call	16	long that call was. So you'll see that it was a
17	up this other record. Are you still seeing my	17	six-minute phone call. So it's from 2:36 to 2:42.
18	screen when I just shut that down?	18	Okay?
19	A. Yes.	19	And if we just run through this subset,
20	Q. Okay. Great. Let me just pull up this	20	which I think is a little easier to understand,
21	other record real quick then.	21	2:36 to 2:42, Burroughs is talking to Spencer.
22	I lost it. I'll have to share again.	22	He immediately calls -- tries to call you.
23	MR. PERRIN: Sonya, I have a copy of	23	Well, four minutes later, he tries to call you, and
24	the phone records if that makes it easier.	24	he doesn't.
25	MS. PFEIFFER: You can have the phone	25	He talks to Spencer again from 2:47 to 2:56.

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<p>1        Then he has this connected call with you  2        from 2:59 to 3:03. And you recall the conversation  3        where he tells you about Lela's family, right?  4        A. Yes.  5        Q. And we agree it might be this conversation?  6        A. Yes.  7        Q. Okay. Twenty minutes after that, he has a  8        five-minute conversation with David Spencer.  9        And then at 3:43, that's when the stop is  10      first noted on the incident report.  11      And then at 4:20, there's a two-minute  12      conversation between you and David Burroughs. You  13      said you remember him calling you to get  14      information about the stop. You think it was 4:20,  15      that soon after the stop, and it was two minutes?  16        (Indiscernible crosstalk.)  17      THE DEPONENT: That -- that could be,  18      yes.  19      BY MS. PFEIFFER:  20      Q. Okay. Okay. And then I'll represent to you  21      that there's a video of Ray being interviewed, and  22      that starts at 4:43 in the afternoon, okay?  23      A. Yes.  24      Q. At 4:40, there's a 15-minute conversation  25      between you and David Burroughs. What do you</p>	<p>1        thing. Hold on.  2        MR. PERRIN: Is it Bates -- is it  3        Bates-stamped 9 and 10?  4        MS. PFEIFFER: It is Bates-stamped --  5        Burroughs' handwritten -- I have it  6        Bates-stamped 11 --  7        MR. PERRIN: Okay.  8        MS. PFEIFFER: -- 11 through --  9        MR. PERRIN: 13?  10      MS. PFEIFFER: Through 14, I think.  11      Let me share my screen.  12      MR. PERRIN: Ah. 15. Yeah, I have  13      that.  14      MS. PFEIFFER: Got it? Okay.  15      (EXHIBIT 18, D. Burroughs IA interview,  16      was marked for identification.)  17      BY MS. PFEIFFER:  18      Q. If you could just have that in front of you,  19      Sergeant Beam?  20      A. Okay.  21      Q. Okay. You got it there? So I want to turn  22      to what's Bates-stamped as ACSO-0013, okay? And  23      looking towards the bottom of the page, you'll see  24      a number 3 in the middle, and then you scroll down  25      1, 2, 3, 4. I'll call these paragraphs 3 and 4.</p>
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<p>1        recall about that conversation with David  2        Burroughs?  3        A. I don't recall the meat of the conversation.  4        It's more than likely going to be me and him  5        talking about what he needs to pass on to the next  6        shift since I was getting off work early, being the  7        second in command, but I don't -- I don't remember  8        the details of the call.  9        Q. At that point in time, were you aware that  10      there was an investigation going on?  11      A. No.  12      Q. At that time, 4:40, were you probably  13      already on your way home?  14      A. Yeah, I would say.  15      Q. All right, sir.  16      MS. PFEIFFER: If you have -- did you  17      say you have Burroughs' handwritten  18      statement there, Sean?  19      MR. PERRIN: Yes.  20      MS. PFEIFFER: Okay.  21      MR. PERRIN: Well, I don't think it's  22      handwritten by him. It's handwritten by  23      someone else.  24      MS. PFEIFFER: Hold on. Let me pull up  25      what I have and let's see if it's the same</p>	<p>1        "Stated that he told David Spencer around 1:00 or  2        2:00 all the details about travel and where the  3        drugs would be." Do you see that?  4        A. Yes.  5        Q. And that would correspond to one of the  6        calls on that call log.  7        And then says "around 3:00," the next  8        paragraph, "that David called him and said he has  9        PC to stop but Lela was driving. Stated that he  10      told Burroughs that if he stopped her and there  11      were drugs in the car, she would be arrested,"  12      turning the page.  13      Do you see that?  14      A. Oh, yes. Sorry. I was reading it.  15      Q. Yep. That's okay. And then if we turn the  16      page, and we're on Page 14 here, and go to the --  17      we could call it the third paragraph, but it's  18      really the second dash. "Stated that he informed  19      Sergeant Beam." Do you see that?  20      A. Yes.  21      Q. So what he writes is -- or what someone  22      wrote, "Stated that he informed Sergeant Beam of  23      the incident and that his instructions were for  24      someone -- to get someone to stop them, but you  25      don't need to be any where around."</p>

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<p>1        Do you see that?</p> <p>2        A. Yes.</p> <p>3        Q. Do you remember making that statement to</p> <p>4        David Burroughs?</p> <p>5        A. No, I don't remember making that statement.</p> <p>6        Q. Do you think that he's inaccurate that you</p> <p>7        made that statement?</p> <p>8        A. I would say more than likely. That doesn't</p> <p>9        sound like anything I would normally say.</p> <p>10       Q. Well, you knew that there was a personal</p> <p>11       connection to Burroughs as it relates to this car,</p> <p>12       right?</p> <p>13       A. Yes.</p> <p>14       Q. And it would be inappropriate, given that</p> <p>15       personal connection, for Burroughs to have anything</p> <p>16       to do with the stop, right?</p> <p>17       A. Yes.</p> <p>18       Q. And you were the sergeant in charge of that</p> <p>19       unit, correct?</p> <p>20       A. Yes.</p> <p>21       Q. And your job was to make sure everybody was</p> <p>22       doing what they're supposed to be doing, right?</p> <p>23       A. Yes.</p> <p>24       Q. So it would make sense if there was a</p> <p>25       personal relationship with Corporal Burroughs and</p>	<p>1        time, no.</p> <p>2        Q. Had you been told not to have contact with</p> <p>3        him?</p> <p>4        A. No. Not that I recall.</p> <p>5        Q. So let's switch gears and talk a little bit</p> <p>6        more about training. We've been talking about</p> <p>7        BLET, but I want to ask about any additional</p> <p>8        training you've had since then within the</p> <p>9        department.</p> <p>10       Have you taken other courses, other</p> <p>11       certifications?</p> <p>12       A. Yes.</p> <p>13       Q. You don't have to give me a whole laundry</p> <p>14       list, but give me an idea of how many and in what</p> <p>15       areas.</p> <p>16       A. Throughout the years, I've had</p> <p>17       certifications in radar; intox, Intoxilyzer</p> <p>18       certifications; crash investigations; different</p> <p>19       traffic -- traffic courses. We've had in-service</p> <p>20       training every year for different things. I've</p> <p>21       been to SWAT school. Just different stuff along</p> <p>22       those lines.</p> <p>23       Q. And does most of it relate to patrolling for</p> <p>24       the most part?</p> <p>25       A. Yes.</p>
<p>1        the person whose car was being stopped that you</p> <p>2        would tell him he ought not be near that car when</p> <p>3        it gets stopped, right?</p> <p>4        A. That would make sense. I don't remember</p> <p>5        saying it, but it would make sense.</p> <p>6        Q. So I want to go back to -- you can take a</p> <p>7        look at the phone record, but I will also just pull</p> <p>8        up this subset here, which is Exhibit 17.</p> <p>9        So we talked about the calls on March 7th.</p> <p>10       That's all of the events that happened. And then</p> <p>11       on March 8th, and you can see it there on the full</p> <p>12       record in front of you, there are four calls from</p> <p>13       you to David Burroughs, all missed calls, two in</p> <p>14       the morning and two in the afternoon.</p> <p>15       Do you remember why it was that you were</p> <p>16       calling David Burroughs the next day?</p> <p>17       A. I don't recall unless I was looking for some</p> <p>18       papers he might have took home with him that we</p> <p>19       needed for work.</p> <p>20       Q. At that point, you knew there was an</p> <p>21       Internal Affairs investigation going on, right?</p> <p>22       A. Yes.</p> <p>23       Q. And at that point, were you aware that he</p> <p>24       had been fired?</p> <p>25       A. I was not aware he had been fired at that</p>	<p>1        Page 97</p> <p>2        Q. Okay. Are you familiar with the policy and</p> <p>3        procedural manual at the Anson County Sheriff's</p> <p>4        Office?</p> <p>5        A. I know we have one, yes.</p> <p>6        Q. Do you know where it is in the office?</p> <p>7        A. I'm not exactly sure.</p> <p>8        Q. Okay. Have you read it?</p> <p>9        A. Not in detail, no.</p> <p>10       Q. Have you had any specific training about</p> <p>11       what to do if you suspect a fellow law enforcement</p> <p>12       officer is engaged in misconduct?</p> <p>13       A. Yes. It's usually included in in-service</p> <p>14       training from time to time.</p> <p>15       Q. Okay. What do you recall you're supposed to</p> <p>16       do?</p> <p>17       A. If you have evidence that they might be</p> <p>18       involved, you contact your superiors.</p> <p>19       Q. I'm not talking about evidence, because</p> <p>20       rarely do you have evidence, right? I'm talking</p> <p>21       about suspicion. If you have suspicion, if you've</p> <p>22       got reason to believe or suspect that a law</p> <p>23       enforcement officer is engaged in misconduct, what</p> <p>24       are you supposed to do?</p> <p>25       A. Inform your superiors.</p> <p>Q. What about if you suspect that a fellow law</p>

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1 enforcement officer's breaking the law? What are 2 you supposed to do? 3 A. Inform your superiors. 4 Q. Why is it that you're supposed to inform 5 your superiors? 6 A. Let them handle it. 7 Q. And in a situation where an officer is 8 potentially breaking the law, you would want to 9 make sure that if it could be stopped, it is 10 stopped, right? 11 A. Yes. 12 Q. And that's something that a superior should 13 do if they have that information, right? 14 A. Yes. 15 Q. And it's something that they should 16 investigate if they have suspicions, correct? 17 A. Yes. 18 Q. And if they've been provided information 19 that leads them to believe or suspect that a law 20 enforcement officer is involved in misconduct or 21 potentially breaking the law, they have a 22 responsibility to investigate it and stop it if 23 they can, don't they? 24 A. Yes. 25 Q. I'm going to share my screen again with you	1 MS. PFEIFFER: Okay. Perfect. 2 THE DEPONENT: I have it. 3 (EXHIBIT 19, K. Beam reprimand, was 4 marked for identification.) 5 BY MS. PFEIFFER: 6 Q. Okay. Did you read through it? 7 A. Yes. 8 Q. Okay. And so this is from February of 2020, 9 right? 10 A. Yep. 11 Q. Okay. So tell me about what happened that 12 led to this written reprimand. 13 A. Just this online system we have that we're 14 supposed to use to clock in and out. It's just -- 15 I went through a stretch where I was having trouble 16 keeping up with it, and I would go home and forget 17 to clock out, and by the time I remembered, it 18 would be too late. Didn't want to add time I 19 didn't earn. 20 Q. And what do you mean you were having a hard 21 time with it? 22 A. I just -- I don't know. I don't know how to 23 explain it. I just went through a stretch where I 24 would get home and start doing something else and 25 forget to clock out.
Page 99	Page 101
1 here. And this is marked ACSO 38. This is 2 something that was produced to us in discovery. 3 It's the written warning to Sergeant Kyle Beam from 4 February 2020. Have you had a chance to read 5 through this? 6 A. No. 7 MS. PFEIFFER: Sean, do you have a copy 8 of that there? If not, we can just read it 9 here. 10 MR. PERRIN: I -- what's the Bates 11 stamp number? 12 MS. PFEIFFER: It is Number 38, 13 ACSO 38. 14 MR. PERRIN: Yes, I do. Give me one 15 second. 16 MS. PFEIFFER: Okay. 17 BY MS. PFEIFFER: 18 Q. Okay. And, Sergeant Beam, if you want to 19 take a read through the hard copy that Sean has, 20 that might just be easier. I'll -- I'm happy to 21 scroll to the bottom just so you know we're looking 22 at the same thing. So just go ahead and take a 23 read of that and let me know when you're -- 24 MR. PERRIN: I put a copy in front of 25 him.	1 Q. Okay. So it was -- it wasn't that the 2 system was difficult, it was just your mind was 3 elsewhere. 4 A. Yes. 5 Q. Okay. So I'm -- I'm interested in knowing 6 why a failure to clock in and clock out was 7 something that was taken so seriously that you got 8 a written reprimand. 9 A. I don't know. You would have to talk to 10 Lieutenant Tice. He's the one that initiated this. 11 Q. Yeah. I notice that at the bottom it does 12 say that -- I guess it's the second to last 13 paragraph, "Sergeant Beam has been counseled about 14 the Violation in the past by Lieutenant Tice and 15 Lieutenant Little and he continues to Violate this 16 Memorandum." 17 You see that, right? 18 A. Yep. 19 Q. What does that mean, they had counseled you 20 about it? 21 A. They had just told me to make sure I keep up 22 with it better than I had been. 23 Q. And so were Tice and Little the guys who 24 would follow up if people weren't doing what they 25 were supposed to do, like following procedures?

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1 A. Yes.		1 hey and me nodding my head.
2 Q. And I see that Lieutenant Little signed it		2 Q. So no significant interaction to speak of?
3 as a witness, right?		3 COURT REPORTER: Did you answer?
4 A. Yes.		4 THE DEPONENT: I said no. No
5 Q. You signed it?		5 significance. Sorry.
6 A. Yep.		6 BY MS. PFEIFFER:
7 Q. Sheriff Reid signed it?		7 Q. All right. I just want to show you one more
8 A. Yep.		8 thing here. Okay. Share my screen again. Okay.
9 Q. Do you remember being given this written		9 (EXHIBIT 20, Blue Line post, was marked
10 reprimand?		10 for identification.)
11 A. Yes, I remember it.		11 BY MS. PFEIFFER:
12 Q. Were y'all in the same room? Like, was it a		12 Q. So I was looking through some of the posts
13 meeting and -- like, what happened?		13 on your Instagram and found this one here. Can you
14 A. They just called me into the office and sat		14 see my screen?
15 me down and told me that they had already warned me		15 A. Yes.
16 one time and that they were going to have to do		16 Q. So it's a blue line in the middle. It's got
17 this, and I said okay. I'd told them when we had		17 two, what appears to be pretty heavily armed guys
18 the -- the verbal counseling that, you know, I'd		18 with, appears to be, machine guns and helmets, and
19 take responsibility. I'm the one who made the		19 it says, "I will never apologize for defending this
20 mistake.		20 line," right?
21 Q. Does it strike you as odd that this much		21 A. Yes.
22 emphasis is paid by the sheriff's department on a		22 Q. What is this?
23 failure to clock in and clock out versus nobody		23 A. It's just a post about the Thin Blue Line.
24 following up with you about what happened on March		24 Q. What does it mean to you?
25 7th in 2018?		25 A. I would have -- I posted that in --
Page 103		Page 105
1 MR. PERRIN: Objection to form.		1 basically in response to the world events and
2 You can answer.		2 everybody turning their backs on law enforcement at
3 THE DEPONENT: I would -- yeah, I would		3 the time.
4 personally think that was a little strange.		4 Q. What do you mean by that?
5 BY MS. PFEIFFER:		5 A. Or it's that -- when people were basically
6 Q. So let's just -- let's sort of go back to		6 trying to call us all criminals, and I knew we
7 what I'll call the aftermath of March 7th.		7 weren't.
8 So at some point did you find out that David		8 Q. And when was that?
9 Burroughs had been arrested for planting drugs?		9 A. All of us. There's bad apples.
10 A. Yes.		10 I don't remember when I posted that exactly.
11 Q. Do you remember when you found that out?		11 Q. And did you create this?
12 A. No, I do not recall.		12 A. No.
13 Q. Do you remember how you found out?		13 Q. Where did you download it from?
14 A. I really don't remember, no.		14 A. I really don't remember.
15 Q. Separate and apart from the talk within the		15 Q. And what are -- what are your limits on
16 department back in 2018, like around the time of		16 this, if any?
17 the Internal Affairs investigation, SBI, setting		17 MR. PERRIN: Object to the form. I
18 that aside, after the arrest, which was much later,		18 don't know if I understand the question.
19 do you recall any talk within the department about		19 But if you do --
20 the arrest?		20 THE DEPONENT: I don't, either.
21 A. Not specifically, no.		21 MR. PERRIN: -- you can answer.
22 Q. Have you had any contact with David		22 BY MS. PFEIFFER:
23 Burroughs since March 7th or March 8th of 2018?		23 Q. Okay. So -- so what I read this as saying,
24 A. Once or twice I've run into him at the		24 "I will never apologize for defending this line" --
25 store, and it was never more than just him saying		25 explain to me what that means, "defending this

Page 106		Page 108
1 line."		1 people, too." Remember that?
2 A. It just means that I stand behind law		2 A. Yes.
3 enforcement in general.		3 Q. So you were aware that he had been reaching
4 Q. And so when I say "what are your limits,"		4 out to many people about this car?
5 are there any limits on that? Is there a time when		5 A. Yes. Well, a few people, yeah. He told me
6 you wouldn't stand behind law enforcement?		6 he had tried to give the information to some other
7 A. If it's proven that they are in the wrong.		7 people.
8 I mean, we -- we want to weed out the bad apples		8 Q. Do you remember who he told you he had
9 just like everybody else.		9 already reached out to?
10 Q. As far as you're concerned, would -- would		10 A. I don't think he gave me any particular
11 this "never apologize for defending the blue line,"		11 names.
12 would this include supporting an officer who's		12 Q. Did you know he reached out to Mario
13 accused of framing an innocent person?		13 Elkobersey?
14 A. No.		14 A. I found out sometime later, yes.
15 Q. Why not?		15 Q. Did you know he reached out to Tim Hutchison
16 A. I mean, if you're intentionally framing an		16 at Polkton PD?
17 innocent person, that's just wrong. That, to me,		17 A. Again, I found out sometime later.
18 just means when people are out here saying that law		18 Q. Okay. What about Darius Ellison, his own
19 enforcement's the Gestapo and that we're the ones		19 partner? You found out he reached out to him?
20 out here beating people up when we know we're not		20 A. Sometime later, yes.
21 or just -- just the overall defense of the -- the		21 Q. Chief Norris of Polkton Police? You found
22 profession in general.		22 out he reached out to them, too?
23 MS. PFEIFFER: If we could take maybe a		23 A. I don't recall if I heard that name
24 five -- you know what? If we can take a		24 specifically.
25 break till 2:30, I might not have any more		25 Q. Did he say to you on the phone when he spoke
Page 107		Page 109
1 questions. I just want to review my notes.		1 to you -- whether it was in the morning or shortly
2 Is that all right with everybody if we go		2 before the stop, when he gave the information, what
3 off the record until 2:30? I have it as		3 did he tell you about contacting other people at
4 2:22.		4 that point in time?
5 MR. PERRIN: Yep. Sound goods.		5 A. If I recall correctly, he just told me that
6 MS. PFEIFFER: Okay, great.		6 it had come through a few times before and nobody
7 VIDEOGRAPHER: This is the end of Media		7 was able to get it stopped.
8 Unit Number 1 in the deposition of Sergeant		8 Q. So you understood that he had attempted to
9 Kyle Beam. The time is 2:22 p.m. We are		9 have it stopped but nobody was successful yet?
10 now off the record.		10 A. Yes.
11 (A recess transpired from 2:22 p.m.		11 Q. And did you have any understanding of what
12 through 2:30 p.m.)		12 time frame he was talking about?
13 VIDEOGRAPHER: This is beginning of		13 A. No.
14 Media Unit Number 2 in the deposition of		14 Q. You just knew that it had been unsuccessful
15 Sergeant Kyle Beam. The time is 6:30 --		15 in the past?
16 2:30 p.m. We are back on the record.		16 A. Yes.
17 BY MS. PFEIFFER:		17 Q. And it was the same information he shared
18 Q. Sergeant Beam, I have just a short follow-up		18 with you about who was going to be in the car and
19 with you.		19 what allegedly was in that car?
20 We were talking earlier about your call with		20 A. Yes.
21 David Burroughs and him giving you information		21 MS. PFEIFFER: All right. I don't have
22 about the car that was going to be coming through.		22 anything further for you. Thank you very
23 Remember that?		23 much for your time, Sergeant Beam. Your
24 A. Yes.		24 attorney or Mr. Ferlan may have some
25 Q. And you had said "I know he had called other		25 questions, though.

# **RAY KIFER, JR. vs DAVID SCOTT BURROUGHS, ET AL.**

Kyle Beam on 05/11/2022

Pages 110..112

Page 110		Page 111	
1	MR. PERRIN: This is Sean. I have no	1	CERTIFICATE OF REPORTER
2	questions. Thank you.	2	I, Madonna M. Farrell, Registered
3	MR. FERLAN: Nothing from me. Thank	3	Professional Reporter and Notary Public in and for
4	you.	4	the State of South Carolina, do hereby certify that
5	VIDEOPHOTOGRAPHER: Okay. This is the end	5	the deponent, KYLE BEAM, was remotely sworn by me
6	of Media Unit Number 2 in the deposition of	6	to testify to the truth, under the penalty of
7	Sergeant Kyle Beam. The time is 2:32 p.m.	7	perjury and that the above deposition, Pages 1
8	We are now off the record.	8	through 112, inclusive, was recorded
9	COURT REPORTER: I need y'all to state	9	stenographically by me and transcribed through
10	your orders, please, for the record.	10	computer-aided transcription by me to the best of
11	MS. PFEIFFER: Standing order for us,	11	my ability.
12	please.	12	I FURTHER CERTIFY that the foregoing
13	MR. PERRIN: This is Sean. Just eTran	13	transcript is a true and correct transcript of the
14	with exhibits would be great.	14	testimony given remotely by the said witness at the
15	MR. FERLAN: And this is Christian. I	15	time and place specified.
16	do not need a copy. I'll get it from Sean.	16	I FURTHER CERTIFY that I am neither attorney
17	Can you actually make that my order for the	17	or counsel for, nor related to or employed by any
18	prior deposition, too, for Bennett?	18	of the parties to the action in which this
19	COURT REPORTER: And I was told it may	19	deposition is taken, or financially interested in
20	be a rough draft. Is it?	20	this action.
21	MS. PFEIFFER: For who?	21	IN WITNESS WHEREOF, I have set my hand and
22	COURT REPORTER: Anybody.	22	seal this 17th of May, 2022.
23	MS. PFEIFFER: Suzette?	23	<i>Madonna Farrell</i>
24	MS. WOOLSEY: No. We don't -- I don't	24	_____ Madonna M. Farrell
25	think we need a rough draft. Do you?	25	Registered Professional Reporter
			Notary Public
			My commission expires August 20, 2025
1	MS. PFEIFFER: No.		
2	MS. WOOLSEY: We have a turnaround		
3	time, I think, of five business days.		
4	(The deposition concluded at 2:33 p.m.)		
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